

POLITICAL REFORM ACT REVISION PROJECT



DRAFT 2
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Chapter 1. General (§ 81100–§ 81202)

Article 1. Overview

§ 81100. Title. (81000)

~~This title shall be known~~ Title 9 of the California Government Code is named and may be cited as the “Political Reform Act of 1974.”

§ 81001. § 81101. Findings and Declarations. (81001)

The people find and declare ~~as follows~~ that:

- (a) state and local government should serve the needs and respond to the wishes of all citizens equally, without regard to their ~~wealth~~ economic status;
- (b) public officials, whether elected or appointed, should impartially perform their duties ~~in an impartial manner~~, free from bias caused by their own financial interests or by the financial interests of ~~persons who have supported them~~ their supporters;
- (c) ~~Costs of conducting election campaigns~~ campaign costs have increased greatly in recent years, and candidates have been forced to finance their campaigns by seeking large contributions from lobbyists and organizations ~~who thereby~~ that gain disproportionate influence over governmental decisions;
- (d) ~~The influence of~~ large campaign ~~contributors~~ contributors’ influence is increased because existing laws for disclosure of campaign receipts and expenditures ~~have proved to be~~ are inadequate;
- (e) lobbyists often ~~make their contributions~~ contribute to incumbents who cannot be challenged effectively ~~challenged~~ because of election laws and abusive practices ~~which give~~ giving the incumbent an unfair advantage;
- (f) ~~The~~ wealthy ~~individuals and~~ organizations ~~which~~ and individuals who make large campaign contributions ~~frequently~~ often extend their influence by employing lobbyists and by spending large amounts of money to influence legislative and administrative actions;
- (g) the influence of large campaign contributors in ballot-measure elections is increased because the ballot pamphlet mailed to the voters by the state is ~~difficult~~ hard to read and almost impossible for a ~~layman~~ layperson to understand; and
- (h) previous laws regulating political practices have ~~suffered from inadequate enforcement~~ not been adequately enforced by state and local authorities.

§ 81002 § 81102. Purposes of Title. (81002)

The people ~~enact this title~~ seek to accomplish ~~the following~~ these purposes:

- (a) to fully inform voters and to inhibit improper practices, receipts and expenditures in election campaigns should be fully and truthfully disclosed ~~in order that the voters may be fully informed and improper practices may be inhibited~~;
- (b) ~~The~~ to prevent directing improper influences at public officials, lobbyists’ activities ~~of lobbyists~~ should be regulated and their finances disclosed ~~in order that improper influences will not be directed at public officials~~;
- (c) ~~Assets and income to avoid conflicts of interest~~, public officials ~~which may be materially affected by~~ should disclose assets and income that their official actions ~~should be disclosed~~ may materially affect, and in appropriate circumstances the officials should be disqualified from acting ~~in order that conflicts of interest may be avoided~~;

- (d) ~~The state ballot pamphlet should be converted into a useful document so to ensure~~ that voters will not be entirely dependent on paid advertising for information ~~regarding about~~ state measures. the state ballot pamphlet should be converted into a useful document;
- (e) to conduct elections more fairly, laws and practices unfairly favoring incumbents should be abolished ~~in order that elections may be conducted more fairly.;~~ and
- (f) to enforce this title vigorously, adequate enforcement mechanisms should be provided to public officials and private citizens ~~in order that this title will be vigorously enforced.~~

§ 81003. § 81103. Construction of Title. **(81003)**

This title should be liberally construed to accomplish its purposes.

§ 81015. § 81104. Severability. **(81015)**

If ~~anya~~ provision of this title; or ~~thea provision's~~ application ~~of any such provision~~ to any person or circumstances, shall be held invalid, ~~the remainder of this title to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it~~ circumstance is held invalid, ~~shall not be affected thereby, and to this end the provisions~~ rest of this title ~~are severable, or any other application of the provision, will not be affected.~~

§ 81012. § 81105. Amendment or Repeal of Title. **(81012)**

This title may be amended or repealed by the procedures set forth in this section. If any portion of subdivision (a) is declared invalid, then subdivision (b) shall be the exclusive means of amending or repealing this title.

- (a) ~~This title may be amended~~ To further its purposes, this title may be amended by statute; passed in each house by rollcall vote entered in the journal, with two-thirds of the membership concurring and signed by the Governor, ~~if at least 12. Twelve~~ days ~~prior to before~~ passage in each house, the bill in its bill's final form ~~has been~~ must be delivered to the Commission for distribution to ~~the~~ news media and to ~~every person everyone~~ who has requested a copy of the bill from the Commission ~~to send copies of such bills to him or her.~~

(b) ~~§ 81013~~ This title may be amended or repealed by a statute approved by the electors.

- (c) If any part of (a) is declared invalid, then (b) will be the exclusive means of amending or repealing this title.

Article 2. Imposing Additional Requirements; State or Local

§ 81200. Imposition of Additional Requirements. **(81013)**

~~Nothing in this title prevents~~ The Legislature or any other state or local agency ~~from imposing~~ may impose additional requirements on ~~anya~~ person if the requirements do not prevent the person from complying with this title. If ~~anya legislative~~ act ~~of the Legislature~~ conflicts with ~~the provisions~~ any part of this title, this title ~~shall prevail~~ prevails.

§ 81009.5. § 81201. Local Ordinances. **(81009.5)**

- (a) ~~Any~~**File with Commission.** A local government agency ~~which~~that has enacted, enacts, amends, or repeals an ordinance or other ~~provision of~~ law affecting campaign contributions and expenditures ~~shall~~must file a copy of the action with the Commission.
- (b) ~~Notwithstanding Section 81013, no~~**Filing Requirements Limited to Jurisdiction.** Despite § 81200, a local government agency ~~shall~~must not enact ~~any~~an ordinance imposing filing requirements additional to or different from those set forth in Chapter 4 (~~commencing with Section 84100~~) for elections held in its jurisdiction unless the additional or different filing requirements apply only to:
- (1) the candidates seeking election in that jurisdiction, their controlled committees or committees formed or existing primarily to support or oppose their candidacies, ~~and to;~~
 - (+)(2) ~~committees formed or existing primarily to support or oppose a candidate or to support or oppose the qualification of, or passage of, a local ballot measure which~~that is being voted on only in that jurisdiction; ~~and to city or county general purpose committees active only in that city or county, respectively.~~

§ 85703. Local Jurisdictions.

- (3) ~~Nothing in this act shall nullify~~city or county general purpose committees active only in that city or county, respectively.

§ 81202. Local Contribution Limits or Prohibitions; Member Communications. **(85703)**

- (a) **Permissible.** Except as provided in (b) and (c), a local jurisdiction may ~~adopt~~adopt contribution ~~limitations~~limits or prohibitions ~~of any local jurisdiction that apply to elections for local elective office, except that these limitations and prohibitions may not conflict with Section 85312. However,~~
- (b) **Impermissible Limits on County Central Committee.** A local jurisdiction ~~shall not~~cannot impose ~~any~~a contribution ~~limitations~~limit or ~~prohibitions~~prohibition on:
- (1) an elected member of ~~or a county central committee of a qualified political party;~~
 - (+)(2) ~~a candidate for election to, a county central committee of a qualified political party;~~ or
 - (2)(3) ~~on a committee primarily formed to support or oppose a person seeking election to a county central committee of a qualified political party.~~
- (b)(c) **Limitations and prohibitions imposed by Impermissible Limits on Member Communication.** A local jurisdiction ~~on payments for a member communication, as defined in subdivision (c), cannot impose a contribution limit or prohibition on payments for communications to members of an organization if these limits or prohibitions conflict with § 85504. Unless restrictions to member communications are adopted by a state statute or regulation by the Commission, provisions that conflict with Section 85312 § 85504 and which are thereby prohibited by subdivision (a) include, but are not limited to,~~ any of the following:
- (1) source restrictions on payments for ~~member communications that are not expressly made applicable to member communications by a state statute or by a regulation adopted by the Commission pursuant to Section 83112;~~ a member communication;
 - (2) ~~Limitations~~limits on payments to a political-party committee for a member communication ~~that are not expressly made applicable to member communications by a state statute or by a regulation adopted by the Commission pursuant to Section 83112;~~ and
 - (3) ~~Limitations~~limits on the scope of payments considered directly related to ~~the making of~~ a member communication, including costs associated with the formulation, design, production, and distribution of the communication such as surveys, list acquisition, and consulting fees ~~that are not expressly made applicable to member communications by a state statute or by a regulation adopted by the Commission pursuant to Section 83112.~~

- (a) ~~For purposes of this section, “member communication” means a communication, within the meaning of Section 85312, to members, employees, shareholders, or families of members, employees, or shareholders of an organization, including a communication by a political party to a member who is registered as expressing a preference for that party on his or her affidavit of registration pursuant to Sections 2150, 2151, and 2152 of the Elections Code.~~

§ Chapter 2. Definitions (§ 82000.—§ 82079)

§ 82000. Interpretation of this Title. (82000)

Unless the ~~contrary is stated or context~~ clearly appears from the context, ~~the~~ indicates otherwise, this chapter’s definitions set forth in this chapter shall will govern ~~the~~ interpretation of this title.

§ 82002. § 82001. Administrative Action. (82002)

(a) “Administrative action” means either ~~of the following~~:

- (1) ~~The proposal a state agency’s proposing, drafting, development, consideration, amendment, enactment, developing, considering, amending, enacting, or defeat by any state agency of any defeating a rule, regulation, or other action in any ratemaking proceeding or any quasi-legislative proceeding, which shall include including any proceeding governed by Chapter 3.5 (commencing the Administrative Procedure Act, beginning with Section Government Code § 11340) of Part 1 of Division 3 of Title 2; or~~
- (2) ~~With regard only to for placement agents, the (as defined by § 82060), a state agency’s decision by any state agency to enter into a contract to invest state public retirement system assets on behalf of a state public retirement system system’s assets on the system’s behalf.~~

(b) “Ratemaking proceeding” means, ~~for the purposes of~~ For a proceeding before the Public Utilities Commission, ~~any~~:

- ~~(3)~~(1) a “ratemaking proceeding” is a proceeding in which it is reasonably foreseeable that a rate will be established, including, but not limited to, general rate cases, performance-based ratemaking, and other ratesetting rate-setting mechanisms; and
- ~~(4)~~(2) a “quasi-legislative proceeding” means, for purposes of is a proceeding before the Public Utilities Commission, any proceeding that involves consideration of the establishment of considers establishing a policy that will apply generally to a group or class of persons, including, but not limited to, rulemakings and investigations that may establish rules affecting an entire industry.

§ 82003. § 82002. Agency. (82003)

“Agency” means any ~~a~~ state ~~agency~~ or local government agency.

§ 82004. § 82003. Agency Official. (82004)

“Agency official” ~~means any.~~ for purposes of the lobbying provisions of Chapter 10, means a member, officer, employee, or consultant of any state agency who as part of his or her official responsibilities participates in any ~~an~~ administrative action ~~in other than beyond~~ a purely clerical, secretarial, or ministerial capacity.

§ 82005- § 82004. Business Entity. **(82005)**

“Business entity” means ~~any~~ for-profit organization or enterprise ~~operated for profit~~, including ~~but not limited to~~ a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation, or association.

§ 82006- § 82005. Campaign Statement. **(82006)**

“Campaign statement” means an itemized report ~~which is~~ prepared on a ~~form~~ Commission-prescribed ~~by the Commission and which provides~~ form providing the information required by Chapter 3 or 4 of this title.

§ 82007- § 82006. Candidate. **(82007; 18404)**

(a) “Candidate” means ~~an individual~~ any of the following:

(1) anyone who is listed on ~~the~~ a ballot or ~~who has~~ is qualified to have write-in votes on his or her behalf counted by election officials, for nomination ~~for~~ or election to any elective office, ~~or~~;

(2) anyone who receives a contribution ~~or~~, makes an expenditure, or gives his or her consent for ~~any other~~ another person to receive a contribution or make an expenditure ~~with a view~~, to ~~bringing~~ bring about his or her nomination or election to any ~~an~~ elective office, ~~whether or not~~.
That person is a candidate even if:

(A) the specific elective office for which he or she will seek nomination or election is ~~known~~ unknown at the time the contribution is received or the expenditure is made ~~and whether~~; or ~~not he or she~~

(B) the person has not announced ~~his or her~~ the candidacy or filed a declaration of candidacy ~~at such time~~. ~~“Candidate” also includes:~~

(3) an elected officeholder; or

(4) any officeholder who is the subject of a recall election. ~~An individual~~

(b) Anyone who becomes a candidate ~~shall retain his or her status as a~~ retains candidate status until ~~such time as that status is terminated pursuant to Section 84214.~~ under § 84500.

(a)(c) “Candidate” does not include any ~~person within the meaning of Section 301(b) of the Federal Election Campaign Act of 1971~~ candidate for federal office as defined in 52 USC § 30101(2), as to his or her activities related to seeking nomination or election to that federal office.

§-§ 82007. City. **(82008- City.)**

“City” means a general-law ~~or a chartered city~~ or a charter city.

§-§ 82008. Clerk. **(82009.5- Clerk.)**

“Clerk” ~~refers to~~ means the city or county clerk unless the city council or board of supervisors has designated ~~any other~~ another agency to perform the specified function.

§ 82010. § 82009. Closing Date. **(82010)**

“Closing date” means the last date ~~through which any report or in the period covered by a statement or report~~ filed under this title ~~is required to be complete.~~

§ 82011. § 82010. Code-Reviewing Body. **(82011)**

“Code-reviewing body” means ~~all of the following:~~

~~The commission, with respect to the the agency or body responsible for reviewing a specific conflict-of-interest code of a state agency other than an agency in the judicial branch of government, or any local government agency with jurisdiction in more than one county.~~

- ~~(a) The board of supervisors, with respect to the conflict of interest code of any county agency other than the board of supervisors, or any agency of the judicial branch of government, and of any local government agency, other than a city agency, with jurisdiction wholly within the county.~~
- ~~(b) The city council, with respect to the conflict of interest code of any city agency other than the city council.~~
- ~~(c) The Attorney General, with respect to the conflict of interest code of the commission.~~
- ~~(d) The Chief Justice or his or her designee, with respect to the conflict of interest code of the members of the Judicial Council, Commission on Judicial Performance, and Board of Governors of the State Bar of California.~~
- ~~(e) The Board of Governors of the State Bar of California with respect to the conflict of interest code of the State Bar of California.~~
- ~~(f) The Chief Justice of California, the administrative presiding judges of the courts of appeal, and the presiding judges of superior and municipal courts, or their designees, with respect to the conflict of interest code of any agency of the judicial branch of government subject to the immediate administrative supervision of that court.~~
- ~~(g) The Judicial Council of California, with respect to the conflict of interest code of any state agency within the judicial branch of government not included under subdivisions (e), (f), and (g).~~

§ § 82011. Commission. **(82012. Commission.)**

“Commission” means the Fair Political Practices Commission.

§ 82013. § 82012. Committee. **(82013)**

“Committee” means any person or combination of persons who, in a calendar year, directly or indirectly does any of the following:

- (a) **Recipient Committee.** Receives contributions totaling ~~two thousand dollars (\$2,000)~~ or more ~~in a calendar year.~~
- (b) **Independent Expenditures Committee.** Makes independent expenditures totaling ~~one thousand dollars (\$1,000)~~ or more ~~in a calendar year; or.~~
- (c) **Major Donor Committee.** Makes contributions totaling ~~ten thousand dollars (\$10,000)~~ or more ~~in a calendar year to or, at the behest request of or in cooperation with~~ candidates or committees.

A person or any combination of persons that becomes a committee ~~shall will~~ retain its ~~status as a~~ committee status until ~~such time as~~ that status is terminated ~~pursuant to Section 84214 under § 84500.~~

§ 82014. § 82013. Conflict-of-Interest Code. **(82014)**

“Conflict-of-Interest Code” means a set of rules and regulations adopted by an agency pursuant to Chapter 7 of under this title: that includes the following:

- (a) **§ 82015. Designated Individuals.** Positions within the agency, other than those specified in § 89200, requiring the individuals to make or participate in making decisions that may foreseeably have a material effect on a financial interest of the individual.
- (b) **Reportable Financial Interests.** The specific types of investments, business positions, interests in real property, and sources of income that may foreseeably be materially affected by a decision made or participated in by the designated individual that must be reported on the designated individual’s statement of economic interests.
- (c) **Timelines for Designated Individuals to File Statements.** A requirement that each designated individual, other than those specified in § 89200, must file statements of economic interests at times and under circumstances described in the code.
- (d) **Disqualification.** The circumstances under which a designated individual or categories of designated individuals must by rule disqualify themselves from making, participating in making, or using their official position to influence a decision.

§ 82014. Contribution. **(82015)**

- (a) **Definition.** “Contribution” means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, except to the extent that the donor receives full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes.
- (a) ~~(1)~~ **Payments Related or Unrelated to Candidacy.** ~~Despite (a),~~ a payment received by, made at the behest request of a ~~committee, as defined, or made in subdivision (a) of Section 82013,~~ cooperation with a candidate is not a contribution to the ~~committee unless full and adequate consideration is received from the committee for making the payment.~~
- ~~(2)~~ A payment made at the behest of a candidate is a contribution to the candidate unless the criteria in either subparagraph (A) or (B) are satisfied:
 - ~~(A) Full and adequate consideration is received from the candidate.~~
- (b) candidate if it is clear from the surrounding circumstances that the payment was made for purposes unrelated to ~~his or her~~ the candidate’s candidacy for elective office.
 - (1) **Unrelated payment.** The following types of payments are presumed ~~to be for purposes~~ unrelated to a candidate’s candidacy for elective office:
 - (A) **Personal purposes.** A payment made principally for personal purposes, in which case it may be considered a gift under ~~the provisions of Section 82028.~~ § 82032. Payments that are otherwise subject to the limits of ~~Section 86203~~ gifts from lobbyists or lobbying firms under § 90032 are presumed to be principally for personal purposes.
 - (B) **Government Agency or Nonprofit Organization.** A payment made by a state, local, or federal governmental agency or by a nonprofit organization that is exempt from taxation under ~~Section 501(c)(3) of the~~ Internal Revenue Code: § 501(c)(3). A payment by a state, local, or federal governmental agency that is made principally for legislative or governmental purposes is governed exclusively by this clause and, ~~therefore, is thus,~~ not subject to the reporting requirement described in ~~clause (iii)(C)~~.
 - ~~(i) A payment not covered by clause (i), made principally for legislative, governmental, or charitable purposes, in which case it is neither a gift nor a contribution. However, payments of this type that are made at the behest of a candidate who is an elected officer shall be reported within 30 days following the date on which the payment or payments equal or exceed five thousand dollars (\$5,000) in the aggregate from the same source in the same calendar year in which they are made. The report shall be filed by the elected~~

officer with the elected officer's agency and shall be a public record subject to inspection and copying pursuant to Section 81008. The report shall contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, the name and address of the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for which the payment or payments were made. Once the five-thousand dollar (\$5,000) aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source shall be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later. Within 30 days after receipt of the report, state agencies shall forward a copy of these reports to the Commission, and local agencies shall forward a copy of these reports to the officer with whom elected officers of that agency file their campaign statements.

(C) For purposes of subparagraph (B), *Payment solicited by elected officer for legislative, governmental or charitable purposes.* A payment made principally for legislative, governmental, or charitable purposes, which is neither a contribution nor a gift. But payments of this type made in response to a solicitation by a candidate who is an elected officer must be reported as required by § 88400.

- (2) *Related payment; election-related activities.* A payment is a contribution if it is made for purposes related to a candidate's candidacy for elective office if and all or a portionpart of the payment is used for election-related activities. For purposes of this subparagraphparagraph, "election-related activities" ~~shall include, but are not limited to, the following:~~
- (A) communications that contain express advocacy of the nominationfor nominating or election ofelecting the candidate or the defeat of his or herdefeating an opponent.;
 - (B) communications that contain reference to the candidate's candidacy for elective office, the candidate's election campaign, or the candidate's or his or heran opponent's qualifications for elective office.;
 - (C) Solicitationofsoliciting contributions to the candidate or to third persons for use into support of the candidate or in opposition to his or heroppose an opponent.;
 - (D) arranging, coordinating, developing, writing, distributing, preparing, or planning of anya communication or an activity described in elause (i), (ii), or (iii). (A)–(C) above;
 - (E) recruiting campaign volunteers or coordinating campaigntheir activities of campaign volunteers on the candidate's behalf of the candidate.;
 - (F) preparing campaign budgets.; and
 - (G) preparing campaign finance disclosure statements.
 - (H) Communications directed to voters or potential voters as part of activities encouraging or assisting persons to vote, if the communication contains express advocacy of the nominationfor nominating or election ofelecting the candidate or the defeat of his or heran opponent.
- (B) A contribution made at the behest of a candidate for a different candidate or to a committee not controlled by the behesting candidate is not a contribution to the behesting candidate.
- (3) ~~A payment made at the behest of a member of the Public Utilities Commission, made principally for legislative, governmental, or charitable purposes, is not a contribution. However, payments of this type shall be reported within 30 days following the date on which the payment or payments equal or exceed five thousand dollars (\$5,000) in the aggregate from the same source in the same calendar year in which they are made. The report shall be filed by the member with the Public Utilities Commission and shall be a public record subject to inspection and copying pursuant to Section 81008. The report shall contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, the name and address of the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for which the payment or payments were made.~~

Once the five thousand dollar (\$5,000) aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source shall be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later. Within 30 days after receipt of the report, the Public Utilities Commission shall forward a copy of these reports to the Fair Political Practices Commission.

(c) Payments Considered Contributions. “Contribution” includes ~~the purchase of:~~

- ~~(1) purchasing tickets for fundraising events such as dinners, luncheons, and rallies; and similar fundraising events;:~~
 - ~~(2) the candidate’s own money or property used on behalf of his or her the candidacy, other than personal funds of the candidate used to pay either a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to Section 13307 of under the Elections Code; the § 13307;~~
 - ~~(3) granting of discounts or rebates that are not extended to the public generally or the granting of discounts or rebates, by television and radio stations and newspapers, that are not extended on an equal basis equally to all candidates for the same office; the payment of compensation by any~~
 - ~~(4) a payment made by a lobbyist or a cohabitant of a lobbyist for costs related to a fundraising event held at the lobbyist’s home, including the value of using the home as a fundraising event venue (any payment is attributed to the lobbyist for purposes of § 85203);~~
 - ~~(5) a payment made by a lobbying firm for costs related to a fundraising event held at the lobbying firm’s office, including the value of using the office as a fundraising event venue;~~
 - ~~(3)(6) one person compensating another for the personal services or expenses of any other person, if the services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration;:~~
 - ~~(4)(7) “Contribution” further includes any transfer of anything transferring something of value received by a committee from another committee, unless full and adequate consideration is received;:~~
- ~~(e) “Contribution” does not include amounts received pursuant to an enforceable promise to the extent those amounts have been previously reported as a contribution. However, the fact that those amounts have been received shall be indicated in the appropriate campaign statement.~~
- ~~(d) (1) Except as provided in paragraph (2) or (3), “contribution” does not include a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant’s home or office if the costs for the meeting or fundraising event are five hundred dollars (\$500) or less.~~
- ~~(2) “Contribution” includes a payment made by a lobbyist or a cohabitant of a lobbyist for costs related to a fundraising event held at the home of the lobbyist, including the value of the use of the home as a fundraising event venue. A payment described in this paragraph shall be attributable to the lobbyist for purposes of Section 85702.~~
- ~~(3) “Contribution” includes a payment made by a lobbying firm for costs related to a fundraising event held at the office of the lobbying firm, including the value of the use of the office as a fundraising event venue.~~
- ~~(e) Notwithstanding the foregoing definition of “contribution,” the term does not include volunteer personal services or payments made by any individual for his or her own travel expenses if the payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him or her.~~
- ~~(8) “Contribution” further includes the payment of public moneys by a payment made by a person to a multipurpose organization under §§ 82055 and 84700; or~~
- ~~(5)(9) a state or local governmental agency’s payment of public moneys for a public communication to the public that satisfies both of the following:~~
- ~~(A) The communication expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage, or defeat of a clearly identified measure, or, taken as a whole and in context, unambiguously urges a particular result in an election; and~~

(B) ~~The communication~~ is made ~~at the behest of~~ in coordination with the affected candidate or committee under § 86300.

(d) **Payments Not Considered Contributions.** “Contribution” ~~further includes~~ does not include:

(1) volunteer personal services or payments made voluntarily by anyone for his or her own travel expenses without any understanding or agreement that he or she will be directly or indirectly repaid;

~~(6)(2)~~ a payment made by a ~~person~~ home or office occupant for costs related to a ~~multipurpose organization as defined and described in Section 84222~~ meeting or fundraising event in the occupant's home or office if the costs are \$500 or less. This exception for a home or office fundraising event does not apply to a lobbyist, a cohabitant of a lobbyist, or a lobbying firm as provided for under (c)(4)–(5); or

(3) ~~§ 82018~~ amounts received under an enforceable promise if those amounts have been previously reported as a contribution. But the receipt of those amounts must be indicated in the appropriate campaign statement.

(e) **Exceptions.** The following requests or solicitations are not considered contributions to the requesting or soliciting individual.

(1) **Candidate to another candidate or committee.** If, at the request of or in cooperation with one candidate, a contribution is made to a different candidate or to a committee not controlled by the requesting candidate, it is not considered a contribution to the requesting candidate.

(2) **Public Utilities Commission.** If a Public Utilities Commission member solicits a payment principally for legislative, governmental, or charitable purposes, that payment is not a contribution. But payments of this type must be reported as required by § 88400.

§ 82015. Contribution or Expenditure; Made at the Request of or in Cooperation with a Candidate or Committee. (18225.7)

(a) “Made at the request of or in cooperation with” a candidate or committee means made:

(1) under the control of or at the direction of;

(2) in cooperation, consultation, coordination, or concert with;

(3) at the request or suggestion of; or

(4) with the express prior consent of the candidate or committee.

(b) For the purposes of this definition, the terms “candidate” and “committee” include an agent when acting within the scope of his or her authority.

§ 82016. Contributions or Expenditures; Cumulative Amount.; Exceptions. (82018)

Except as provided in subdivisions (b), (c), and (d), “Cumulative amount” means the amount of contributions received or expenditures made in the calendar year. **But these exceptions apply:**

(a) **Elections Held in Next Year.** For a filer required to file a campaign statement or independent expenditure report in one year in connection with an election to be held in another year, the period over which the cumulative amount is calculated ~~shall~~will end on the closing date of the first semiannual statement filed after the election.

(b) **Two-Year Measure Qualification.** For a filer required to file a campaign statement in connection with the qualification of a measure ~~which~~that extends into two calendar years, the period over which the cumulative amount is calculated ~~shall~~will end on December 31 of the second calendar year.

(c) **Modified Period.** For a person filing a campaign statement with a period modified by ~~the provisions of~~ this section, the next period over which the cumulative amount is calculated ~~shall begin~~begins on the day after the statement's closing date.

§ 82017. Contributions; When Aggregated. (85311, 18215.1)

To determine when contributions are aggregated under this title's provisions: "entity" means any person other than an individual; and "majority-owned" means ownership of more than 50%.

(a) If someone directs and controls an entity's contributions, they must be aggregated with contributions made by:

(1) that individual; and

(2) any other entity whose contributions that individual directs and controls.

(a)(b) If two or more entities make contributions that are directed and controlled by a majority of the statementsame persons, the contributions of those entities must be aggregated.

(c) ~~§ 82016.~~ Contributions made by entities that are majority-owned by a person must be aggregated with the contributions of the majority owner and all other entities majority-owned by that person unless those entities act independently in their decisions to make contributions.

§ 82018. Controlled Committee. (82016)

(a) **Definition.** "Controlled committee" means a committee that is controlled, directly or indirectly, by a candidate or state-measure proponent or a committee that acts jointly with a candidate, controlled committee, or state-measure proponent in connection with ~~the-making of~~ expenditures. A candidate or state-measure proponent controls a committee if ~~he or she, his or her~~they, their agent, or any other committee ~~he or she controls~~they control has ~~a~~ significant influence on the committee's actions or decisions ~~of the committee~~.

(b) ~~Notwithstanding subdivision~~**Exception. Despite** (a), a political-party committee, ~~as defined in Section 85205, under § 82061~~ is not a controlled committee.

§ 82017. § 82019. County. (82017)

"County" includes a city and county.

§ 82019. § 82020. Designated Employee Individual. (82019)

(a) **Definition.** "Designated ~~employee individual~~" means ~~any~~an agency's officer, employee, member, or consultant ~~of any agency~~ whose position with the agency is:

(1) ~~Is~~ exempt from the state civil-service system ~~by virtue of subdivision under the California Constitution, Article VII, § 4(a), (c), (d), (e), (f), (g), or (m) of Section 4 of Article VII of the Constitution,),~~ unless the position is elective or solely secretarial, clerical, or manual;

(2) ~~Is~~ elective, other than an elective state office;

(3) ~~Is~~ designated in a conflict-of Interest Code because the position entails the ~~of-interest code to make or participate in~~ making ~~or participation in the making of~~ decisions ~~which~~that may foreseeably have a material effect on any financial interest; ~~or~~

(4) ~~Is~~ involved as a state employee ~~other than~~ at ~~other than~~ a clerical or ministerial level ~~in the functions of~~ negotiating or signing ~~any~~ contract awarded through competitive bidding, in making decisions in conjunction with the competitive bidding process, or in negotiating, signing, or making decisions on contracts executed ~~pursuant to Section 10122 of the~~under Public Contract Code § 10122.

(b) ~~(4)~~ Exceptions. "Designated ~~employee individual~~" does not include ~~an~~:

(1) elected state officer, any officers;

(2) unsalaried membermembers of any board or commission whichthat serves a solely advisory function, any public official;

~~(3) individuals specified in Section 87200, and also does not include any § 89200;~~

~~(5)(4) unsalaried membermembers of a nonregulatorynon-regulatory committee, section, commission, or other such entity of the State Bar of California; or~~

~~(6)(5) “Designated employee” does not include a federal officer or employee serving in an official federal capacity onat a state or local government agency. To comply, the state or local government agency shallmust annually obtain, — and maintain in its files for public inspection, — a copy of any public financial disclosure report filed by the federal officer or employee pursuant tounder federal law.~~

§ 82020. § 82021. Elected Officer. **(82020)**

“Elected officer” means ~~any person~~someone who holds an elective office ~~or~~₁ has been elected to an elective office but has not yet taken office. ~~A person who, or~~ is appointed to fill a vacant elective office ~~is an elected officer.~~

§ 82021. § 82022. Elected State Officer. **(82021)**

“Elected state officer” means ~~any person~~someone who holds an elective state office ~~or~~₁ has been elected to an elective state office but has not yet taken office. ~~A person who, or~~ is appointed to fill a vacant elective state office ~~is an elected state officer.~~

§ 82022. § 82023. Election. **(82022)**

“Election” means ~~any~~₁ primary, general, special, or recall election held in California. ~~For this state, The title, primary and, general or, and special elections are each separate elections for purposes of this title.~~

§ 85204. Election Cycle for 24-Hour Reports.

~~“Election cycle,” for purposes of Sections 85309 and 85500, means the period of time commencing 90 days prior to an election and ending on the date of the election. For purposes of the Board of Administration of the Public Employees’ Retirement System and the Teachers’ Retirement Board, “the date of the election” is the deadline to return ballots.~~

§ 82023. § 82024. Elective Office. **(82023)**

“Elective office” means ~~any~~₁:

~~(a) a state, regional, county, municipal, district, or judicial office that is filled at an election. “Elective office” also includes:~~

~~(b) membership on a county central committee of a qualified political party, and; or~~

~~(a)(c) membership through election on the Board of Administration of the Public Employees’ Retirement System or the Teachers’ Retirement Board.~~

§ 82024. § 82025. Elective State Office. **(82024)**

“Elective state office” means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, member of the Legislature, member elected to the Board of Administration of the Public Employees’ Retirement System, member elected to the Teachers’ Retirement Board, and member of the State Board of Equalization.

§ 82025. § 82026. Expenditure. **(82025)**

(a) **Definition.** “Expenditure” means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. ~~“Expenditure” does not include a candidate’s use of his or her own money to pay for either a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to Section 13307 of the Elections Code. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.~~

(b) **§ 82025.3. Limited Exception for Candidate’s Payment of Fees.** “Expenditure” does not include a candidate’s use of the candidate’s own money to pay for a filing fee for a declaration of candidacy or a candidate statement prepared under Elections Code § 13307.

(c) **Date Made.** An expenditure is made on the earlier of:

- (1) the date the payment is made; or
- (2) the date any consideration is received.

§ 82027. External Manager. **(82025.3)**

(a) ~~“External manager” means either of the following:~~

(a) ~~a person who is seeking either:~~

- (1) ~~seeks to be, or is, retained by a California state public-retirement system in California or an investment vehicle to manage for compensation a portfolio of securities or other assets for compensation; or~~
- (2) ~~A person who manages an investment fund and who offers or sells, or has offered or sold, an ownership interest in the investment fund to a California state public-retirement system in California or to an investment vehicle.~~

(b) ~~For purposes of this section,~~ “Investment fund” has the same meaning as ~~set forth in Section~~ Government Code § 7513.8.

(c) ~~For purposes of this section,~~ “Investment vehicle” has the same meaning as ~~set forth in Section~~ 82047.3 in § 82060.

§ 82025.5. § 82028. Fair Market Value. **(82025.5)**

(a) “Fair market value” means the estimated ~~fair market value worth~~ of goods, services, facilities, or anything of value other than money. ~~Whenever~~ In general, an item’s fair market value is the value that the item would command in the open market.

~~(a)(b)~~ When the amount of goods, services, facilities, or anything of value other than money is required to be reported under this title, the amount reported ~~shall~~ must be the “fair market value, ~~and,~~” and the report or statement must include a description of the goods, services, facilities, or other thing of value ~~shall be appended to the report or statement. “Full and adequate consideration” as used in this title means fair market value.~~

§ 82026- § 82029. Filer. **(82026)**

“Filer” means the person filing or required to file any statement or report under this title.

§ 82027- § 82030. Filing Officer. **(82027)**

“Filing officer” means the office or officer with whom any statement or report ~~is required to~~ must be filed under this title. If ~~copies~~ a copy of a statement or report ~~are~~ is required to be filed with more than one office or officer, the ~~one~~ first one named is the filing officer, ~~and the copy.~~ The statement or report filed with ~~him shall be signed in the~~ the filing officer must have an original signature and ~~shall~~ will be ~~deemed considered~~ the original.

§ 82027.5. § 82031. General-Purpose Committee. **(82027.5)**

- (a) “General-purpose committee” means all independent-expenditure and major-donor committees ~~pursuant to subdivision under § 82012(b) or (c) of Section 82013,~~ and any recipient committee ~~pursuant to subdivision (a) of Section 82013 which is formed or exists under § 82012(a)~~ primarily formed or existing to support or oppose more than one candidate or ballot measure, ~~except as provided in Section 82047.5. The term does not include a recipient committee that is considered primarily formed under § 82062 because it is supporting or opposing certain candidates or measures on the same ballot.~~
- (b) A “state general-purpose committee” is a political-party committee, ~~(as defined in Section 85205, § 82061)~~ or a committee to support or oppose candidates or measures voted on in a state election, or in more than one county.
- (c) A “county general-purpose committee” is a committee to support or oppose candidates or measures voted on in only one county, or in more than one jurisdiction within one county.
- (d) A “city general-purpose committee” is a committee to support or oppose candidates or measures voted on in only one city.

§-§ 82032. Gift. **(82028. Gift.)**

- (a) “Gift” means, ~~except as provided in subdivision (b), any~~ a payment that confers ~~conferring~~ a personal benefit on the recipient, ~~to the extent that consideration of equal or greater value is not received and includes~~ including a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to ~~members of~~ the public without regard to official status. ~~Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value.~~
- (b) The term “gift” does not include:
- (1) a payment where fair and adequate consideration is received. A person—other than a defendant in a criminal action—who claims that a payment is not a gift based on receipt of consideration has the burden of proving that the consideration is of equal or greater value;
- (2) informational material such as books, reports, pamphlets, calendars, or periodicals. ~~No~~ (payment for travel or reimbursement for any expenses shall will not be deemed considered “informational material.”)

- ~~(2)(3)~~ Gifts which are not used and which an unused gift that, within 30 days ~~afterof~~ receipt, ~~are~~ eitheris returned to the donor or delivered to a nonprofit entity exempt from taxation under ~~Section 501(c)(3) of the~~ Internal Revenue Code § 501(c)(3) without being claimed as a charitable contribution for tax purposes;
- ~~(3)(4)~~ Giftsa gift from an individual'sthe recipient's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person; ~~provided that a gift from any such person shall be considered a gift. But~~ if the donor is acting as an agent or intermediary for ~~any personanyone~~ not covered by this paragraph, ~~this exception does not apply;~~
- ~~(4)(5)~~ campaign contributions required to be reported under Chapter 4 of this title;
- ~~(5)(6)~~ Anya devise or inheritance; ~~or~~
- ~~(6)(7)~~ Personalized plaques and trophiesa personalized plaque or trophy with an individual value of less than ~~two hundred fifty dollars (\$250);~~

§ 82029. § 82033. Immediate Family. (82029)

"Immediate family" means ~~thean individual's~~ spouse, domestic partner, and dependent children.

§ 82030. Income.

"Income" means, except as provided in subdivision (b), a payment received,

§ 82034. Including.

"Including" means including but not limited to.

§ 82035. Income. (82030)

(a) "Income" means:

- (1) a payment received, including any salary, wage, advance, dividend, interest, rent, proceeds from ~~anya~~ sale, gift, (including any gift of food or beverage); loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and ~~including any community property interest in the income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10 percent interest or greater. "Income," other than a gift, does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this title. includes any community-property interest in a spouse's income;~~
- (2) an outstanding loan; or
- (3) a pro rata share of any income of a business entity or trust in which the individual or spouse owns—directly, indirectly, or beneficially—a 10% interest or greater.

(b) "Income" ~~also~~ does not include:

- (1) other than a gift, income received from a source that is outside the jurisdiction and that is not doing business within the jurisdiction, is not planning to do business within the jurisdiction, or has not done business within the jurisdiction during the two years before the time any statement or other action is required under this title;
- ~~(1)(2)~~ campaign contributions required tothat must be reported under ~~Chapter 4 (commencing with Section 84100);this title;~~

- ~~(2)~~(3) salary ~~and~~, reimbursement for expenses or per diem, ~~and~~ social security, disability, or other similar benefit payments received from a state, local, or federal government agency, and reimbursement for travel expenses and per diem received from a bona fide nonprofit entity exempt from taxation under ~~Section 501(c)(3) of the Internal Revenue Code-~~ § 501(c)(3);
- (3)(4) Any devise or inheritance;
- (4)(5) interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union or ~~any~~ insurance policy, ~~payments~~ payment received under any insurance policy, or any bond or other debt instrument issued by any government or government agency;
- ~~(1) Dividends, interest, or any other return on a security which is registered with the Securities and Exchange Commission of the United States government or a commodity future registered with the Commodity Futures Trading Commission of the United States government, except proceeds from the sale of these securities and commodities futures.~~
- (5)(6) redemption of a mutual fund;
- (6)(7) alimony or child support payments;
- (7)(8) Any loan ~~or loans~~ from a commercial lending institution ~~which are~~, made in the lender's regular course of business on terms available to ~~members of~~ the public without regard to official status;
- (8)(9) Any loan from or payments received on a loan made to an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, or first cousin, or the spouse of any such person, ~~provided that a loan or loan payment received from~~ unless any such person shall be considered income if he or she of these people is acting as an agent or intermediary for any person not covered by this paragraph, ~~then the loan or loan payment received does not qualify for this exception;~~
- (9)(10) any indebtedness created as part of a retail installment or credit-card transaction if made in the lender's regular course of business on terms available to ~~members of~~ the public without regard to official status;
- (10)(11) payments received under a defined-benefit pension plan qualified under Internal Revenue Code ~~Section § 401(a)-~~;
- (12) ~~Proceeds from the sale of securities~~ dividends, interest, or any other return on a security registered with the U.S. Securities and Exchange Commission ~~of the United States government~~ or ~~from the sale of commodities futures~~ a commodity future registered with the U.S. Commodity Futures Trading Commission ~~of~~, except proceeds from the sale of these securities and commodities futures; or
- ~~(11)~~(13) proceeds from the sale of securities registered with the U.S. Securities and Exchange Commission or from the United States government's sale of commodities futures registered with the U.S. Commodity Futures Trading Commission if the filer sells the securities or the commodities futures on a stock or commodities exchange and does not know or have reason to know the purchaser's identity ~~of the purchaser~~.

§ 82030.5. § 82036. Income; Earned. **(82030.5)**

- (a) ~~For purposes of this title,~~ "Earned income" means, ~~except as provided in subdivision (b),~~ income from wages, salaries, professional fees, and other amounts received or promised to be received as compensation for personal services rendered.
- (b) Income ~~which that~~ is not "earned income" includes, ~~but is not limited to, the following:~~
- (1) Any income derived from stocks, bonds, property, or other investments, or from retail or wholesale sales;
 - (2) Any amount paid by, or on behalf of, an elected state officer to a tax-qualified pension, profit-sharing, or stock-bonus plan and received by the elected state officer from the plan; and

- (3) ~~The~~ community-property interest in ~~the~~ spouse's income ~~of a spouse~~.

§ 82031-§ 82037. Independent Expenditure. (82031)

“Independent expenditure” means an expenditure made by anya person, including a ~~payment of public moneys by a~~ state or local government ~~agency~~agency's payment of public moneys, in connection with a communication ~~which~~that expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage, or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but ~~which~~ is not made to or ~~at the behest of in~~ coordination with the affected candidate or committee.

§ 82032-§ 82038. Influencing Legislative or Administrative Action. (82032)

“Influencing legislative or administrative action” means promoting, supporting, influencing, modifying, opposing, or delaying any legislative or administrative action by any means, including ~~but not limited to the provision~~providing or ~~use of~~using information, statistics, studies, or analyses.

§ 82033-§ 82039. Interest in Real Property. (82033)

“Interest in real property” ~~includes any~~means either of the following:

- (a) a leasehold, beneficial, or ownership interest ~~—~~ or an option to acquire such an interest ~~—~~ in real property that:

(1) is located in the jurisdiction;

(2) is owned directly, indirectly, or beneficially by the public official, ~~or other filer, or his or her~~ the public official's immediate family if the; and

(3) has a fair market value of ~~the interest is two thousand dollars (\$2,000) or more. Interests in real property of an individual includes; or~~

- (a)(b) a pro rata share of interests in real property of any business entity or trust in which the individual or immediate family owns, ~~—~~ directly, indirectly, or beneficially, ~~—~~ a 10 ~~percent~~ % interest or greater.

§ 82034-§ 82040. Investment. (82034; 18237)

- (a) “Investment” means anya financial interest ~~in~~ with a fair market value of \$2,000 or more in:

(1) a business entity— or security issued by ~~—~~ a business entity, including, ~~but not limited to,~~ common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership or other ownership interest owned directly, indirectly, or beneficially by the public official, ~~or other filer, or his or her~~ the public official's or other filer's immediate family;

(2) if the business entity or anya parent, subsidiary, or otherwise related business entity (as defined by Commission regulations) has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years ~~prior to the time any statement or other action is required under this title. An asset shall not be deemed an investment unless its fair market value equals or exceeds two thousand dollars (\$2,000). The term “investment” does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or in a common trust fund created pursuant to Section 1564 of the Financial Code, interest in a government defined benefit pension plan, or any bond or other debt instrument~~

~~issued by any government or government agency. Investments of an individual before the time any statement or other action is required under this title.~~

- ~~(a)(b) "Investment" includes a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly, or beneficially, a 10-percent% interest or greater. The term "parent, subsidiary or otherwise related business entity" shall be specifically defined by regulations of the commission.~~

~~(c) § 82035. "Investment" does not include:~~

- ~~(1) a time- or demand-deposit in a financial institution;~~
- ~~(2) shares in a credit union;~~
- ~~(3) an insurance policy;~~
- ~~(4) an interest in a diversified mutual fund registered with the U.S. Securities and Exchange Commission under the Investment Company Act of 1940 or in a common trust fund created under the Financial Code § 1564;~~
- ~~(5) an exchange traded fund (ETF), closed-end fund, or fund held in a plan qualified under §§ 401(k), 403(b), 457, or similar provision of the Internal Revenue Code (qualified plan), if: the following are met:~~
 - ~~(A) the fund is a bona fide investment fund that pools money from more than 100 investors and invests the money in stocks, bonds, or other securities;~~
 - ~~(B) the fund holds securities of more than 15 issuers;~~
 - ~~(C) the public official did not influence or control the decision to purchase or sell the specific fund on behalf of his or her agency during the applicable reporting period;~~
 - ~~(D) the public official does not influence or control the selection of any specific investment purchased and sold on behalf of the fund;~~
 - ~~(E) the fund does not have a stated policy of concentrating its holdings in the same industry or business; and~~
 - ~~(F) for purposes of (A) and (B), an ETF, closed-end fund, or qualified plan is presumed to have more than 100 investors and hold securities of more than 15 issuers.~~
- ~~(6) An interest in a government defined-benefit pension plan, or~~
- ~~(7) Any bond or other debt instrument issued by any government or government agency.~~

§ 82041. Jurisdiction. **(82035)**

~~"Jurisdiction" means either of the following:~~

- ~~(a) For a state with respect to a state agency and, with respect to: The State of California.~~
- ~~(a)(b) For a local government agency; the region, county, city, district, or other geographical area in which the agency has jurisdiction authority. Real property shall be deemed to be "within the jurisdiction" with respect to for a local government agency if the property or any part of the property is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.~~

§ 82035.5. § 82042. LAFCO Proposal. **(82035.5)**

~~"LAFCO" stands for Local Agency Formation Commission. A "LAFCO proposal" means a proposal, as defined in Section under Government Code § 56069, including a proceeding, as defined by Section § 56067.~~

§ 82036. § 82043. Late Contribution. **(82036)**

“Late contribution” means ~~any of the following~~ either:

- (a) a contribution, including a loan, that totals in the aggregate ~~one thousand dollars (\$1,000)~~ or more and is made to or received by a candidate, a controlled committee, or a committee primarily formed or existing ~~primarily~~ to support or oppose a candidate or measure ~~during the, on or within 90-day period preceding days before~~ the date of the election, ~~or on the date of the election~~, at which the candidate or measure is to be voted on— (for the Board of Administration of the Public Employees’ Retirement System and the Teachers’ Retirement Board, “the date of the election” is the deadline to return ballots); or
- (b) a contribution, including a loan, that totals in the aggregate \$1,000 or more and is made to or received by a political-party committee, as defined in § 82061, on or within 90 days before the date of a state election.

§ 82044. Late Independent Expenditure. **(82036.5)**

“Late independent expenditure” means an independent expenditure that totals in the aggregate \$1,000 or more and that is made for or against a specific candidate or measure involved in an election on or within 90 days before the date of the election. (For ~~purposes of~~ the Board of Administration of the Public Employees’ Retirement System and the Teachers’ Retirement Board, “the date of the election” is the deadline to return ballots.)

- (a) ~~A contribution, including a loan, that totals in the aggregate one thousand dollars (\$1,000) or more and is made to or received by a political party committee, as defined in Section 85205, within 90 days before the date of a state election or on the date of the election.~~

§ 82036.5. Late Independent Expenditure.

~~“Late independent expenditure” means an independent expenditure that totals in the aggregate one thousand dollars (\$1,000) or more and is made for or against a specific candidate or measure involved in an election during the 90-day period preceding the date of the election or on the date of the election. For purposes of the Board of Administration of the Public Employees’ Retirement System and the Teachers’ Retirement Board, “the date of the election” is the deadline to return ballots.~~

§ 82037. § 82045. Legislative Action. **(82037)**

“Legislative action” means:

- (a) the drafting, introduction, consideration, modification, enactment, or defeat of ~~any~~ a bill, resolution, amendment, report, nomination, or other matter by the Legislature ~~or by~~ either house ~~or any~~, a committee, subcommittee, joint ~~or~~ committee, select committee ~~thereof~~, or ~~by~~ a member or employee of the Legislature acting in hisan official capacity. ~~“Legislative action” also means: or~~
- (a)(b) the action of the Governor in approving or vetoing any bill.

§ 82038. § 82046. Legislative Official. **(82038)**

“Legislative official” means anyan employee or consultant of the Legislature whose duties are not solely secretarial, clerical, or manual.

§ 82038.5. § 82047. Lobbying Firm.Coalition. **(18616.4)**

- (a) “Lobbying firm” means any coalition” means a group of ten or more persons formed primarily to influence legislative or administrative action, whose members make payments to the coalition for sharing the expenses of employing a lobbyist or contracting for the services of a lobbying firm.
- (b) A lobbying coalition has the same registration and filing requirements as a lobbyist employer.
- (c) A bona fide federation, confederation, or trade, labor, or membership organization is not a lobbying coalition if it is ongoing in nature and its membership services are not limited to influencing legislative or administrative action.
- (d) A person making payments to a lobbying coalition does not qualify as a lobbying firm or lobbyist employer as a result of those payments.

§ 82048. Lobbying Firm. **(82038.5)**

- (a) “Lobbying firm” means a business entity, including an individual contract lobbyist, ~~which meets either that matches one~~ of the following ~~criteria~~:
- (1) Lobbyist in firm. The business entity receives or becomes entitled to receive ~~any~~ compensation, ~~—other than reimbursement for reasonable travel expenses,—~~for ~~the purpose of~~ influencing legislative or administrative action on behalf of ~~any other another~~ person, and ~~any~~a partner, owner, officer, or employee of the business entity is a lobbyist.
- (2) No lobbyist in firm. The business entity receives or becomes entitled to receive ~~any~~ compensation, ~~—other than reimbursement for reasonable travel expenses,—~~to communicate directly with ~~any an~~ elective state ~~official, , legislative, or~~ agency official, ~~or legislative official for the purpose of for~~ influencing legislative or administrative action on behalf of ~~any other another~~ person, if a substantial or regular ~~portion part~~ of the activities for which the business entity receives compensation is for ~~the purpose of~~ influencing legislative or administrative action.
- (b) No business entity is a lobbying firm by reason of activities described in ~~Section 86300§ 90010~~.

§ 82039. § 82049. Lobbyist. **(82039)**

- (a) “Lobbyist” means either of the following:
- (1) Any individualContract lobbyist. Anyone who receives ~~two thousand dollars (\$2,000)~~ or more in economic consideration in a calendar month, ~~—other than reimbursement for reasonable travel expenses,—~~or whose principal duties as an employee are, ~~—~~to communicate directly or through ~~his or her agents~~an agent with any elective state ~~official, agency official, or ,~~ legislative, ~~or agency official for the purpose of influencingto influence~~ legislative or administrative action.;
- (2) In-house lobbyist. Anyone whose principal duty as an employee is to communicate directly or through an agent with any elective state, legislative, or agency official to influence legislative or administrative action; or
- (2)(3) Placement agent. A placement agent, as defined in ~~Section 82047.3§ 82060~~.
- (b) ~~An individualSomeone~~ is not a lobbyist by reason of activities described in ~~Section 86300§ 90010~~.
- (c) ~~For the purposes of subdivisionFor~~ (a), a proceeding before the Public Utilities Commission constitutes ~~is an~~ “administrative action” if it meets ~~any of the definitions set forthdefinition~~ in ~~subdivision § 82001(b) or (c) of Section 82002. However,.)~~ But a communication made ~~for the purpose of influencing this type of to influence an administrative action before the~~ Public Utilities Commission ~~proceeding~~ is not within ~~subdivision (a)~~ if the communication is:
- (1) made at a public hearing, public workshop, or other public forum that is part of the proceeding, ~~or if the communication is ; or~~
- (1)(2) included in the proceeding’s official record ~~of the proceeding~~.

§ 82039.5. § 82050. Lobbyist Employer. **(82039.5)**

“Lobbyist employer” means any person, other than a lobbying firm, who:

- (a) employs one or more in-house lobbyists for economic consideration, ~~—~~ other than reimbursement for reasonable travel expenses, ~~for the purpose of influencing—to influence~~ legislative or administrative action; ~~;~~ or
- (b) contracts for ~~the services of~~ a lobbying ~~firm-firm’s services~~ for economic consideration, ~~—~~ other than reimbursement for reasonable travel ~~expense, for the purpose of influencing expenses—to influence~~ legislative or administrative action.

§ 82041. § 82051. Local Government Agency. **(82041)**

“Local government agency” or “local agency” means:

- (a) a county, city ~~or~~ district of any kind (including a school district;) or ~~any~~ other local or regional political subdivision; ~~;~~ or ~~any~~

~~(a)(b)~~ a department, division, bureau, office, board, commission, or other agency of ~~the foregoing (a).~~

§ 82041.5. § 82052. Mass Mailing. **(82041.5)**

“Mass mailing” means over ~~two hundred~~ 200 substantially similar pieces of mail, ~~but. It~~ does not include a form letter or other mail ~~which that~~ is sent in response to an unsolicited request, letter, or other inquiry.

§ 82042. § 82053. Mayor. **(82042)**

“Mayor” of a city includes mayor of a city and county.

§ 82043. § 82054. Measure. **(82043)**

“Measure” means ~~any~~ any constitutional amendment or other proposition ~~which that~~ is submitted to a popular vote at an election by ~~action of~~ a legislative body, or ~~which that~~ is submitted or is intended to be submitted to a popular vote at an election by initiative, referendum or recall procedure, regardless of whether ~~or not~~ it qualifies for the ballot.

§ 84222. § 82055. Multipurpose Organizations.Organization. **(84222(a))**

- (a) ~~For purposes of this title,~~ “Multipurpose organization” means an organization described in ~~Sections 501(e)(3) to 501(e)(10), inclusive, of the~~ Internal Revenue Code ~~§ 501(c)(3)–(c)(10)~~ and that is exempt from taxation under ~~Section §~~ 501(a) of the Internal Revenue Code, a federal or out-of-state political organization, a trade association, a professional association, a civic organization, a religious organization, a fraternal society, an educational institution, or ~~any~~ other association or group of persons acting in concert, that is operating for purposes other than making contributions or expenditures.
- (b) “Multipurpose organization” does not include a business entity, an individual, or a federal candidate’s authorized committee, ~~(as defined in Section 431 of Title 2 of the United States Code, 52 U.S.C. § 30101)~~ that is registered and filing reports ~~pursuant to under~~ the Federal Election Campaign Act of 1971 (Public Law 92-225).

- ~~(a) A multipurpose organization that makes expenditures or contributions and does not qualify as a committee pursuant to subdivision (c) may qualify as an independent expenditure committee or major donor committee if the multipurpose organization satisfies subdivision (b) or (c) of Section 82013.~~
- ~~(b) Except as provided in subparagraph (A) of paragraph (5), a multipurpose organization is a recipient committee within the meaning of subdivision (a) of Section 82013 only under one or more of the following circumstances:~~
- ~~(1) The multipurpose organization is a political committee registered with the Federal Election Commission, except as provided in subdivision (a) of this section, or a political committee registered with another state, and the multipurpose organization makes contributions or expenditures in this state in an amount equal to or greater than the amount identified in subdivision (a) of Section 82013.~~
 - ~~(2) The multipurpose organization solicits and receives payments from donors in an amount equal to or greater than the amount identified in subdivision (a) of Section 82013 for the purpose of making contributions or expenditures.~~
 - ~~(3) The multipurpose organization accepts payments from donors in an amount equal to or greater than the amount identified in subdivision (a) of Section 82013 subject to a condition, agreement, or understanding with the donor that all or a portion of the payments may be used for making contributions or expenditures.~~
 - ~~(4) The multipurpose organization has existing funds from a donor and a subsequent agreement or understanding is reached with the donor that all or a portion of the funds may be used for making contributions or expenditures in an amount equal to or greater than the amount identified in subdivision (a) of Section 82013. The date of the subsequent agreement or understanding is deemed to be the date of receipt of the payment.~~
 - ~~(5) The multipurpose organization makes contributions or expenditures totaling more than fifty thousand dollars (\$50,000) in a period of 12 months or more than one hundred thousand dollars (\$100,000) in a period of four consecutive calendar years.~~
- ~~(A) A multipurpose organization shall not qualify as a committee within the meaning of subdivision (a) of Section 82013 pursuant to this paragraph if the multipurpose organization makes contributions or expenditures using only available nondonor funds. A multipurpose organization that makes contributions or expenditures with nondonor funds shall briefly describe the source of the funds used on its major donor or independent expenditure report.~~
- ~~(B) For purposes of this paragraph, "nondonor funds" means investment income, including capital gains, or income earned from providing goods, services, or facilities, whether related or unrelated to the multipurpose organization's program, sale of assets, or other receipts that are not donations.~~
- ~~(c) A multipurpose organization that is a committee pursuant to paragraph (1) of subdivision (c) shall comply with the registration and reporting requirements of this chapter, subject to the following:~~
- ~~(1) The multipurpose organization is not required to comply with subdivision (k) of Section 84211 for contributions and expenditures made to influence federal or out-of-state elections, which shall instead be reported as a single expenditure and be described as such on the campaign statement.~~
 - ~~(2) A multipurpose organization registered with the Federal Election Commission is not subject to subdivisions (d) and (f) of Section 84211 but shall disclose the total amount of contributions received pursuant to subdivision (a) of Section 84211, and shall disclose the multipurpose organization's name and identification number registered with the Federal Election Commission on the campaign statement.~~
- ~~(d) (1) A multipurpose organization that is a committee pursuant to paragraph (2), (3), (4), or (5) of subdivision (c) shall comply with the registration and reporting requirements of this chapter, subject to the following, except that if the multipurpose organization is the sponsor of a committee as described in subdivision (f) it may report required information on its sponsored committee statement pursuant to subdivision (f):~~

- (A) ~~The multipurpose organization shall register in the calendar year in which it satisfies any of the criteria in subdivision (c). The statement of organization filed pursuant to Section 84101 shall indicate that the organization is filing pursuant to this section as a multipurpose organization and state the organization's nonprofit tax exempt status, if any. The statement of organization shall also describe the organization's mission or most significant activities, and describe the organization's political activities. A multipurpose organization may comply with the requirement to describe the mission or significant activities and political activities by referencing where the organization's Internal Revenue Service Return of Organization Exempt From Income Tax form may be accessed.~~
- (B) ~~Except as provided in this subparagraph, the registration of a multipurpose organization that meets the criteria of paragraph (5) of subdivision (c) shall terminate automatically on December 31 of the calendar year in which the multipurpose organization is registered. The multipurpose organization shall not be required to file a semiannual statement pursuant to subdivision (b) of Section 84200, unless the multipurpose organization has undisclosed contributions or expenditures to report, in which case termination shall occur automatically upon filing the semiannual statement that is due no later than January 31. After the multipurpose organization's registration has terminated, the multipurpose organization's reporting obligations are complete, unless the organization qualifies as a committee for purposes of subdivision (a) of Section 82013 again in the following calendar year pursuant to subdivision (c) of this section. Notwithstanding this subdivision, a multipurpose organization may elect to remain registered as a committee by submitting written notification to the Secretary of State prior to the end of the calendar year.~~
- (C) ~~A multipurpose organization shall report all contributions received that satisfy the criteria of paragraph (2), (3), or (4) of subdivision (c) of this section in the manner required by subdivision (f) of Section 84211, and for the balance of its contributions or expenditures shall further report contributors based on a last in, first out accounting method.~~
- (2) ~~A multipurpose organization reporting pursuant to this subdivision shall disclose total contributions received in an amount equal to the multipurpose organization's total contributions and expenditures made in the reporting period. When a multipurpose organization reports donors based on the last in, first out accounting method, it shall attribute to and include the information required by subdivision (f) of Section 84211 for any donor who donates one thousand dollars (\$1,000) or more in a calendar year, except for the following:~~
- (A) ~~A donor who designates or restricts the donation for purposes other than contributions or expenditures.~~
- (B) ~~A donor who prohibits the multipurpose organization's use of its donation for contributions or expenditures.~~
- (C) ~~A private foundation, as defined by subdivision (a) of Section 509 of the Internal Revenue Code, that provides a grant that does not constitute a taxable expenditure for purposes of paragraph (1) or (2) of subdivision (d) of Section 4945 of the Internal Revenue Code.~~
- (3) ~~A multipurpose organization that qualifies as a committee pursuant to paragraph (5) of subdivision (c) shall not be required to include contributions or expenditures made in a prior calendar year on the reports filed for the calendar year in which the multipurpose organization qualifies as a committee.~~
- (4) ~~If a multipurpose organization qualifies as a committee solely pursuant to paragraph (5) of subdivision (c) and the committee is required to report donors based on a last in, first out accounting method pursuant to paragraph (1), the multipurpose organization shall not be required to disclose donor information for a donation received by the multipurpose organization prior to July 1, 2014. This paragraph shall not apply with respect to a donation made by a donor who knew that the multipurpose organization would use the donation to support or oppose a candidate or ballot measure in the state by requesting that the donation be used for that purpose or by~~

making the donation in response to a message or solicitation indicating the multipurpose organization's intent to use the donation for that purpose.

- (5) ~~A contributor identified and reported in the manner provided in subparagraph (C) of paragraph (1) that is a multipurpose organization and receives contributions that satisfy the criteria in subdivision (c) shall be subject to the requirements of this subdivision.~~
- (6) ~~The commission shall adopt regulations establishing notice requirements and reasonable filing deadlines for donors reported as contributors based on the last in, first out accounting method.~~
- (e) ~~A multipurpose organization that is the sponsor of a committee as defined in Section 82048.7, that is a membership organization, that makes all of its contributions and expenditures from funds derived from dues, assessments, fees, and similar payments that do not exceed ten thousand dollars (\$10,000) per calendar year from a single source, and that elects to report its contributions and expenditures on its sponsored committee's campaign statement pursuant to paragraph (1) of subdivision (e) shall report as follows:~~
 - (1) ~~The sponsored committee shall report all contributions and expenditures made from the sponsor's treasury funds on statements and reports filed by the committee. The sponsor shall use a last in, first out accounting method and disclose the information required by subdivision (f) of Section 84211 for any person who pays dues, assessments, fees, or similar payments of one thousand dollars (\$1,000) or more to the sponsor's treasury funds in a calendar year and shall disclose all contributions and expenditures made, as required by subdivision (k) of Section 84211, on the sponsored committee's campaign statements.~~
 - (2) ~~The sponsored committee shall report all other contributions and expenditures in support of the committee by the sponsor, its intermediate units, and the members of those entities. A sponsoring organization makes contributions and expenditures in support of its sponsored committee when it provides the committee with money from its treasury funds, with the exception of establishment or administrative costs. With respect to dues, assessments, fees, and similar payments channeled through the sponsor or an intermediate unit to a sponsored committee, the original source of the dues, assessments, fees, and similar payments is the contributor.~~
 - (3) ~~A responsible officer of the sponsor, as well as the treasurer of the sponsored committee, shall verify the committee's campaign statement pursuant to Section 81004.~~
- (f) ~~For purposes of this section, "last in, first out accounting method" means an accounting method by which contributions and expenditures are attributed to the multipurpose organization's contributors in reverse chronological order beginning with the most recent of its contributors or, if there are any prior contributions or expenditures, beginning with the most recent contributor for which unattributed contributions remain.~~

§ 82044. § 82056. Payment. **(82044)**

"Payment" means a ~~payment~~, distribution, transfer, loan, advance, deposit, gift, or other rendering of money, property, services, or anything else of value, whether tangible or intangible.

§ 82045. § 82057. Payment to Influence Legislative or Administrative Action. **(82045)**

"Payment to influence legislative or administrative action" means any of the following types of payment:

- (a) **To Lobbyist.** Direct or indirect payment to a lobbyist ~~whether~~ for salary, fee, compensation for expenses, or ~~any~~ other purpose, by a person employing or contracting for the lobbyist's services ~~of the lobbyist~~ separately or jointly with ~~other persons; another person.~~
- (b) **In Support of Lobbyist.** Payment ~~in support~~ supporting or ~~assistance of~~ assisting a lobbyist or ~~his~~ the lobbyist's activities, including ~~but not limited to~~ the direct payment of expenses incurred at the request or suggestion of the lobbyist;.

- (c) **For Activity Expenses.** Payment ~~which~~ directly or indirectly ~~benefits any~~ benefiting elective state ~~official~~, legislative ~~official~~, or agency official or ~~a member of the~~ such an official's immediate family ~~of any such official; member.~~
- (d) **To Employees.** Payment, including compensation, ~~payment~~ or reimbursement, for the services, time, or expenses of an employee, for or in connection with direct communication with anyan elective state ~~official~~, legislative ~~official~~, or agency official;
- (e) **For Grassroots Lobbying.** Payment for or in connection with ~~soliciting or urging~~ appealing to other persons to enter into direct communication with anyan elective state ~~official~~, legislative ~~official~~, or agency official.

§ 82046. § 82058. Period Covered. **(82046)**

- (a) **Campaign Statements.** If this title requires filing a campaign statement and does not specify otherwise, “period covered” ~~by~~ means the period beginning the day after the closing date of the most recent required campaign statement and ending with the closing date of the statement in question. If a person has not previously filed a campaign statement, the period covered begins on January 1.
- (a)(b) **Other than Campaign Statements.** If this title requires filing a statement or report ~~required to be filed by this title~~, other than a campaign statement, ~~means, unless a different period is specified, and does not specify otherwise, “period covered” means~~ the period beginning with the day after the closing date of the most recent required statement or report ~~which was required to be filed~~, and ending with the closing date of the statement or report in question. If the person filing the statement or report has not previously filed a statement or report of the same type, the period covered begins on the day ~~on which~~ when the first reportable transaction occurred. ~~Nothing in this chapter shall be interpreted to exempt any person from disclosing transactions which occurred prior to the effective date of this title according to the laws then in effect.~~
- (a) ~~“Period covered” by a campaign statement required to be filed by this title means, unless a different period is specified, the period beginning the day after the closing date of the most recent campaign statement which was required to be filed and ending with the closing date of the statement in question. If a person has not previously filed a campaign statement, the period covered begins on January 1.~~

§ 82047. § 82059. Person. **(82047)**

“Person” means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, ~~and any or~~ other organization or group of persons acting in concert.

§ 82047.3. § 82060. Placement Agent. **(82047.3)**

- (a) **Definition.** “Placement agent” means an individual directly or indirectly hired, engaged, or retained by, or serving for the benefit of or on behalf of, an external manager or an investment fund managed by an external manager, and who acts or has acted for compensation as a finder, solicitor, marketer, consultant, broker, or other intermediary in connection with ~~the an~~ offer or sale to a state public retirement system in California or an investment vehicle of either ~~of the following~~:
 - (1) the investment management services of the external manager, in the case of an external manager within the meaning of paragraph (1) of subdivision § 82027(a) of Section 82025.3, the investment management services of the external manager.(1); or

- (2) ~~In the a case of an external manager within the meaning of paragraph (2) of subdivision (a) of Section 82025.3,~~ an ownership interest in an investment fund managed by the external manager, ~~in the case of an external manager within the meaning of § 82027(a)(2).~~
- (b) ~~Notwithstanding subdivision~~ **Exception; Certain Firm Principals or Employees Managing Investment Fund Assets.** ~~Despite~~ (a), an ~~individual who is an~~ employee, officer, director, ~~equity holder~~ equity holder, partner, member, or trustee of an external manager ~~and~~ who spends one-third or more of his or her time, during a calendar year, managing the securities or assets owned, controlled, invested, or held by the external manager is not a placement agent.
- (c) ~~Notwithstanding subdivision~~ **Exception; Registered Adviser or Broker-Dealer Seeking Competitively Bid Contract.** ~~Despite~~ (a), an employee, officer, or director of an external manager, or of an affiliate of an external manager, is not a placement agent ~~with respect to~~ for an offer or sale of investment management services described in ~~subdivision (a)~~ if all ~~of~~ the following apply:
- (1) The external manager is registered as an investment adviser or a broker-dealer with the U.S. Securities and Exchange Commission or, if exempt from or not subject to registration with the U.S. Securities and Exchange Commission, ~~any~~ with an appropriate state securities regulator.
 - (2) The external manager is participating in a competitive-bidding process, such as a request for proposals, subject to ~~subdivision (a) of Section 22364 of the Education Code § 22364(a) or subdivision (a) of Section § 20153(a) of this code, as applicable,~~ or has been selected through that process, and is providing services ~~pursuant to~~ under a contract executed as a result of that competitive bidding process.
 - (3) The external manager, if selected through ~~a competitive bidding process described in paragraph (2),~~ has agreed to a fiduciary standard of care, ~~as defined by~~ when managing a portfolio of assets of a state public-retirement system in California and is subject to the standards of conduct applicable to the retirement board of a public pension or retirement system and set forth in ~~Section § 17 of Article XVI of the California Constitution, when managing a portfolio of assets of a state public retirement system in California.~~
- (d) **Investment Fund.** For ~~purposes of~~ this section, “investment fund” has the same meaning as ~~set forth in Section § 7513.8.~~
- (e) **Investment Vehicle.** For ~~purposes of~~ this section, “investment vehicle” means a corporation, partnership, limited partnership, limited-liability company, association, or other entity, either domestic or foreign, managed by an external manager in which a state public-retirement system in California is the majority investor and that is organized ~~in order to~~ invest with, or retain the investment-management services of, other external managers.

§ 85205. § 82061. Political-Party Committee. **(85205)**
 “Political-party committee” means the state central committee or county central committee of an organization that meets the requirements for recognition as a political party ~~pursuant to Section 5100 of the~~ under Elections Code § 5100.

§ 82047.5. § 82062. Primarily Formed Committee. **(82047.5)**
A committee is “primarily formed-committee” means” for a given purpose if it is a recipient committee ~~pursuant to subdivision (a) of Section 82013 which under § 82012(a) that~~ is formed or exists primarily to support or oppose any of the following:

- (a) a single candidate-;
 - (b) a single measure-;
 - (c) a group of specific candidates being voted ~~upon~~ on in the same city, county, or multicounty election-;
- or

- (d) two or more measures being voted ~~upon~~on in the same city, county, multicounty, or state election.

§ 82047.6. § 82063. Principal Officer. **(82047.6)**

- (a) “Principal officer” means the individual primarily responsible for approving the political activities of a committee, including, ~~but not limited to, the following activities:~~
- (1) authorizing the content of communications made by the committee-;
 - (2) authorizing expenditures, including contributions, on behalf of the committee-; and
 - (3) determining the committee’s campaign strategy.
- (b) If two or more individuals share the primary responsibility for approving the political activities of a committee, each ~~individual~~of them is a principal officer.

§ 85206. § 82064. Public Moneys. **(85206)**

“Public moneys” has the same meaning as defined in ~~Section 426 of the~~ Penal Code § 426.

§ 82048. 82065. Public Official. **(82048)**

- (a) Definition. Subject to (b), “public official” means every member, officer, employee, or consultant of a state or local government agency.
- (b) ~~Notwithstanding subdivision (a),~~ Exceptions. The “public official” designation does not ~~include the following apply to:~~
- (1) a judge or court commissioner in the judicial branch of government-;
 - (2) a member of the Board of Governors and designated ~~employees of individuals employed with~~ the State Bar of California-;
 - (3) a member of the Judicial Council-;
 - (4) a member of the Commission on Judicial Performance, ~~provided that he or she if the member~~ is subject to ~~the provisions of~~ Article 2.5 (~~commencing beginning~~ with ~~Section §~~ 6035) of Chapter 4 of Division 3 of the Business and Professions Code as provided in ~~Section §~~ 6038 of that article-; or
 - (5) a federal officer or employee serving in an official federal capacity ~~on~~at a state or local government agency.

§ 82048.3. § 82066. Slate Mailer. **(82048.3)**

“Slate mailer” means a mass mailing ~~which~~that supports or opposes a total of four or more candidates or ballot measures.

§ 82048.4. § 82067. Slate-Mailer Organization. **(82048.4)**

- (a) “Slate-Definition. Subject to (b), a “slate-mailer organization” ~~means, except as provided in subdivision (b), any is~~ a person who, directly or indirectly, ~~does all of the following:~~
- (1) is involved in the production of one or more slate mailers and exercises control over the selection of the candidates and measures ~~to be supported or opposed in that~~ the slate mailers- support or oppose; and
 - (2) receives or is promised payments totaling ~~five hundred dollars (\$500)~~ or more in a calendar year for the production of one or more slate mailers.

- (b) ~~Notwithstanding subdivision (a);~~ **Exceptions.** A slate-mailer organization ~~shall~~does not include ~~any of the following:~~
- (1) a candidate ~~or~~ officeholder, or a candidate's or officeholder's controlled committee;
 - (2) an official committee of any political party;
 - (3) a legislative caucus committee; or
 - (4) a committee primarily formed to support or oppose a candidate, officeholder, or ballot measure.
- ~~(a) The production and distribution of slate mailers by a slate mailer organization shall not be considered making contributions or expenditures for purposes of subdivision (b) or (c) of Section 82013. If a slate mailer organization makes contributions or expenditures other than by producing or distributing slate mailers, and it reports those contributions and expenditures pursuant to Sections 84218 and 84219, no additional campaign reports shall be required of the slate mailer organization pursuant to Section 84200 or 84200.5.~~

§ 85203. § 82068. Small-Contributor Committee. **(85203)**

"Small-contributor committee" means any committee that ~~meets all of the following criteria:~~

- (a) ~~The committee~~ has been in existence for at least six months;
- (b) ~~The committee~~ receives contributions from 100 or more persons;
- (c) ~~No one person has~~ no contributors who contributed ~~to the committee~~ more than ~~two hundred dollars (\$200)~~ per calendar year; to the committee; and
- (d) ~~The committee~~ makes contributions to five or more candidates.

§ 82048.5. § 82069. Special District. **(82048.5)**

"Special district" means ~~any~~an agency ~~of the state~~ established for the local performance of governmental or proprietary functions within limited boundaries. ~~"Special district" includes, such as~~ a county-service area, a maintenance district or area, an improvement district or zone, an air-pollution-control district, or a redevelopment agency. "Special district" ~~shall~~does not include a city, county, city and county, or school district.

§ 82048.7. § 82070. Sponsored Committee. **(82048.7)**

- (a) **Definition.** "Sponsored committee" means a committee, other than a candidate-controlled committee, that has one or more sponsors. Any person, except a candidate or other individual, may sponsor a committee.
- (b) **Qualifications for a Sponsor.** A person sponsors a committee if ~~any of the following apply:~~
 - (1) the committee receives 80-~~percent~~% or more of its contributions from ~~thethat~~ person or its members, officers, employees, or shareholders;
 - (2) ~~Thethat~~ person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees;
 - (3) ~~Thethat~~ person, alone or in combination with other organizations, provides all or nearly all ~~of~~ the administrative services for the committee; or
 - (4) ~~Thethat~~ person, alone or in combination with other organizations, sets the policies for soliciting contributions or making expenditures of committee funds.
- (c) **Multipurpose Organization as a Sponsor.** A sponsor that is a multipurpose organization, ~~as defined in subdivision (a) of Section 84222, under § 82055~~ and that makes contributions or expenditures from its general treasury funds ~~shall~~must comply with ~~Section 84222 §§ 84700 and 84701.~~

§ 82049. § 82071. Spouse. **(18229)**

“Spouse” includes registered domestic partners recognized by state law.

§ 82072. State Agency. **(82049)**

“State agency” means every state office, department, division, bureau, board, and commission, and the Legislature.

§ 82050. § 82073. State Candidate. **(82050)**

“State candidate” means a candidate ~~who seeks~~seeking nomination or election to ~~any~~an elective state office.

§ 82051. § 82074. State Measure. **(82051)**

“State measure” means ~~any~~a measure ~~which is~~ submitted or ~~is~~ intended to be submitted to the voters of the state.

§ 82047.7. Proponent of a § 82075. State Ballot Measure. Proponent. **(82047.7)**

~~“Proponent of a state ballot”~~ “State-measure proponent” means “proponent” as defined in ~~Section 9002 of the Elections Code § 9001.~~

§ 82052. § 82076. Statewide Candidate. **(82052)**

“Statewide candidate” means a candidate who seeks election to ~~any~~a statewide elective office.

§ 82052.5. § 82077. Statewide Election. **(82052.5)**

“Statewide election” means an election for statewide elective office.

§ 82053. § 82078. Statewide Elective Office. **(82053)**

“Statewide elective office” means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, and member of the State Board of Equalization.

§ 82054. § 82079. Statewide Petition. **(82054)**

“Statewide petition” means a petition to qualify a proposed state measure.

§ 85200. Chapter 3. Campaign Organizations (§ 83100–§ 83201)

Article 1. Candidacy; Bank Account; Organization of Committees

§ 83100. Statement of Intention to be a Candidate. (85200)

- (a) ~~Prior to the solicitation~~**Elective State Office.** Before soliciting or ~~receipt of any receiving a~~ contribution or loan, ~~an individual~~anyone who intends to be a candidate for an elective state office, as ~~that term is defined by Section 82024, shall~~§ 82025, must file with the Secretary of State ~~an original statement, signed,~~ under penalty of perjury, an original statement of intention to be a candidate for a specific office.
- (b) ~~An individual~~**Other Elective Offices.** Before soliciting or receiving a contribution or loan, anyone who intends to be a candidate for any other elective office ~~shall~~must file the statement of intention with the same filing officer ~~and in the same location as with whom~~ the individual would file an original campaign statement ~~pursuant to subdivisions (b), (c), and (d) of Section 84215, under §84304(a).~~
- (c) **Exception for Fees.** For ~~purposes of~~ this section, “contribution” and “loan” do not include ~~any payments~~a payment from the candidate’s personal funds for a candidate filing fee or a candidate statement ~~of~~ qualifications fee.

§ ~~85201~~. § 83101. Candidate’s Campaign Bank Account. (85201)

- (a) ~~Upon the~~**Candidate Requirements.** After filing of the statement of intention ~~pursuant to Section 85200, the individual shall~~under Section 83100, a candidate who will receive contributions or make expenditures of \$2,000 or more must:
- (1) **One Bank Account.** Establish one campaign contribution account at ~~an office of~~ a financial institution located in the state.
- (2) ~~As required by subdivision (f) of Section 84102, a candidate who raises contributions of two thousand dollars (\$2,000) or more in a calendar year shall set forth the~~**Disclose Account Information.** Provide the account number, name and address of the financial institution where the candidate has established a campaign ~~contribution~~ account ~~and the account number~~ on the committee statement of organization ~~filed pursuant to Sections 84101 and 84103.~~
- (3) **Deposit Contributions and Loans.** Deposit in the account all contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate’s controlled committee ~~shall be deposited in the account.~~
- (4) ~~Any personal funds which will be utilized to promote the election of the candidate shall be deposited~~**Deposit Personal Funds.** Deposit in the account ~~prior to~~before expenditure any personal funds used to promote the candidate’s election.
- (5) **Campaign Expenditures.** Make all campaign expenditures ~~shall be made~~ from the account.
- (b) ~~Subdivisions (d) and (e)~~**Exceptions for Fees.** Paragraphs (4) and (5) under (a), do not apply to a payment from the candidate’s ~~payment~~ personal funds for a candidate filing fee and statement of qualifications ~~from.~~
- (b)(c) **Bank Account Requirement for Small Campaigns.** If a candidate (1) raises contributions from others for his or her ~~personal funds~~ campaign, but the amount raised or spent is less than \$2,000 in a calendar year, and (2) does not qualify as a committee under Section 82012, that candidate must still establish a campaign contribution account under subdivision (a), but need not file a committee statement of organization under § 83102.
- (c)(d) **Exception for Candidates; Small Campaigns with Personal Funds.** This section does not apply to a candidate who will not receive contributions and who makes expenditures from personal

funds of less than ~~two thousand dollars (\$2,000)~~ in a calendar year to support his or her candidacy. ~~For purposes of~~ Under this section, a candidate's payment for a filing fee and statement of qualifications ~~shall~~ fee is not ~~be~~ included in calculating the total expenditures made.

- ~~(a) An individual who raises contributions from others for his or her campaign, but who raises or spends less than two thousand dollars (\$2,000) in a calendar year, and does not qualify as a committee under Section 82013, shall establish a campaign contribution account pursuant to subdivision (a), but is not required to file a committee statement of organization pursuant to Section 84101 or other statement of bank account information.~~

§ 84101. Statement of Organization; Filing.

§ 83102. Recipient Committee Statement of Organization; Filing. (84101)

- ~~(a) Statement Required.~~ A recipient committee ~~that is a committee, as defined by virtue of subdivision § 82012(a) of Section 82013 shall~~, must file a statement of organization.
- ~~(b) Where and When to File.~~ The committee ~~shall~~ must file the original of the statement of organization with the Secretary of State and ~~shall also~~ file a copy ~~of the statement of organization~~ with the local filing officer, if any, with whom the committee is required to file the originals of its campaign reports ~~pursuant to Section 84215 under § 84304.~~ The original and copy of the statement of organization ~~shall~~ must be filed within 10 days after the committee has qualified ~~as under § 82012(a) committee.~~
- ~~(a)(c) Secretary of State's Duties.~~ The Secretary of State ~~shall~~ will assign a number to each committee that files a statement of organization and ~~shall notify the committee of will post~~ the number ~~on its website.~~ The Secretary of State ~~shall~~ will send a copy of statements filed ~~pursuant to under~~ this section to the county elections official of each county that ~~he or she deems~~ the Secretary considers appropriate. A county elections official who receives a copy of a statement of organization from the Secretary of State ~~pursuant to under~~ this section ~~shall~~ will send a copy of the statement to the clerk of each city in the county that ~~he or she deems~~ the elections official considers appropriate.
- ~~(d) File Within 24 Hours Near Election.~~ In addition to filing the statement of organization as required by ~~subdivision (a), if a committee qualifies as a committee under subdivision § 82012(a) of Section 82013 within 16 days before the date of an election in connection with which where~~ the committee is required to file preelection statements, ~~but after the closing date of the last campaign under § 84101, the committee must file a statement required to be filed before the election pursuant to Section 84200.8 or 84200.9, the committee shall file, of organization~~ by ~~facsimile~~ fax, online transmission, guaranteed overnight delivery, or personal delivery within 24 hours of qualifying as a committee. The information required by this subdivision must be filed with the filing officer with whom the committee is required to file the originals of its campaign reports under § 84304.
- ~~(a) Independent Expenditures.~~ In addition to filing the statement of organization as required by (a), ~~if an independent-expenditure committee qualifies as a committee under § 82012(a) during the time period described in § 82044 and makes independent expenditures of \$1,000 or more to support or oppose a candidate or candidates, the committee must file a statement of organization by fax, online transmission, guaranteed overnight delivery, or personal delivery within 24 hours of qualifying as a committee, the information required to be reported in the statement of organization. The information required by this subdivision shall be filed with the filing officer with whom the committee is required to file the originals of its campaign reports pursuant to Section 84215.~~
- ~~(b)(c) If an independent expenditure committee qualifies as a committee pursuant to subdivision (a) of Section 82013 during the time period described in Section 82036.5 and makes independent expenditures of one thousand dollars (\$1,000) or more to support or oppose a candidate or candidates for office, the committee shall file, by facsimile transmission, online transmission, guaranteed overnight delivery, or personal delivery within 24 hours of qualifying as a committee, the information required to be reported in the statement of organization. The information required by this section~~

~~shall~~. The information required by this section must be filed with the filing officer with whom the committee is required to file the original of its campaign reports pursuant to Section 84215 under § 84304, and ~~shall~~ must also be filed at all locations required for the candidate or candidates supported or opposed by the independent expenditures. The filings required by this section are in addition to filings that may be required by ~~Section 84204~~ § 84202.

(e)(f) **Exception for Fees.** For ~~purposes of~~ this section, in calculating ~~whether two thousand dollars (\$if \$2,000)~~ in contributions has been received, payments for a filing fee or for a statement of qualifications to appear in a sample ballot ~~shall~~ are not ~~be~~ included if these payments ~~have been~~ were made from the candidate's personal funds.

§ 84102. § 83103. Statement of Organization; Contents. (84102, 84106, 84107)

The statement of organization required by ~~Section 84101~~ ~~shall~~ § 83102 must include all ~~of~~ the following:

(a) **Committee Name and Information.** The name, street address, ~~and~~ telephone number, ~~if any, and e-mail address~~ of the committee. ~~In the case of a sponsored A committee, the~~ must use only one name on its statement of organization.

(1) **Controlled committee.** The name of a committee controlled by one or more candidates under § 82018 must include the last name of ~~each candidate that controls~~ the committee ~~shall~~.

(2) **Candidate's controlled committee for election to office.** The name of a committee controlled by one or more candidates for purposes of the election of the controlling candidate or candidates must include, in addition to the last name of the controlling candidate or candidates, the office sought.

(3) **Committee primarily formed to support or oppose candidate.** The name of a noncandidate controlled committee primarily formed to support or oppose one or more candidates, must include the last name of each candidate whom the committee supports or opposes as listed on its statement of organization, and the office sought.

(4) **Ballot measure committee.** The name of a committee primarily formed to support or oppose a ballot measure must: within 30 days of the designation of the numerical order of propositions appearing on the ballot, if supporting the measure, include the statement, "a committee for Proposition _____"—or, if opposing the measure, include the statement, "a committee against Proposition _____."

~~(4)~~(5) **Sponsored committee.** The name of a committee that is sponsored under § 82070 must include the name of its sponsor. If a committee has more than one sponsor, and the sponsors are members of an industry or other identifiable group, ~~the name of the committee must include a term identifying that industry or group~~ ~~shall be included in the name of the committee.~~ For a sponsored committee, the statement of organization must include the name, street address, and telephone number of each sponsor. Whenever identification of a sponsored committee is required by this title, the identification must include the full name of the committee as required in its statement of organization.

~~(a) In the case of a sponsored committee, the name, street address, and telephone number of each sponsor.~~

(b) **Treasurer and Principal Officers.** The full name, street address, and telephone number, ~~if any,~~ of the treasurer and any other principal officers.

(1) A committee with more than one principal officer ~~shall~~ must identify its principal officers as follows:

(A) A committee with three or fewer principal officers ~~shall~~ must identify all principal officers.

(B) A committee with more than three principal officers ~~shall~~ must identify ~~no fewer than~~ at least three principal officers.

(2) If ~~no individual other than~~ the treasurer is ~~at the only~~ principal officer, the treasurer ~~shall~~ must be identified as both the treasurer and the principal officer.

- (c) **Purpose.** The statement must include the candidate's full name and the office sought ~~by a candidate,~~ and the title and ballot number, if any, of any measure; that the committee supports or opposes as its primary activity. A committee that does not support or oppose ~~one or more candidates~~ a candidate or ballot ~~measures~~ measure as its primary activity ~~shall~~ must provide a brief description of its political activities, including whether it supports or opposes candidates or measures and ~~whether~~ if such candidates or measures have common characteristics, such as a political-party preference.
- (d) **Independent or Controlled.** A statement whether the committee is independent or controlled ~~and, if it, including:~~
- (1) If the committee is controlled, the name of each candidate or state-measure proponent by which/who controls ~~it is controlled,~~ or the name of any controlled committee with which it acts jointly.
 - (2) If a committee is controlled by a candidate for partisan or voter-nominated office, the controlled committee ~~shall~~ must indicate ~~the~~ any political party, ~~if any,~~ for which the candidate has disclosed a preference.
- (~~d~~)(e) **Financial Institution.** For a recipient committee ~~that is a~~ independent expenditure committee defined by virtue of subdivision § 82012(a) or (b) ~~of Section 82013,~~, the account number, name, and address of the financial institution in which the committee has established an account ~~and the account number.~~
- (~~b~~) **Additional Information.** Any other information ~~as shall be required by the Commission's rules or regulations of the Commission consistent with the purposes and provisions of this chapter.~~

§ 84106. Sponsored Committee; Identification.

- (a) ~~Whenever identification of a sponsored committee is required by this title, the identification shall include the full name of the committee as required in and its statement of organization.~~
- (b) ~~A sponsored committee shall use only one name in its statement of organization.~~

§ 84107. Ballot Measure Committee; Identification.

- (~~e~~)(f) ~~Within 30 days of the designation of the numerical order of propositions appearing on the ballot, any committee which is primarily formed~~ purposes. Refer to support or oppose a ballot measure, shall, if supporting the measure, include the statement, "Commission regulations for additional requirements regarding committee names, including for an officeholder committee, legal-defense fund committee, recall committee or multipurpose organization that registers as a committee for Proposition __," or, if opposing the measure, include the statement, "a committee against Proposition __," in any reference to the committee required by law.

§ 84103.-§ 83104. Statement of Organization; Amendment. _____ (84103)

- (a) **Amend Within 10 Days.** If there is a change in any of the information ~~contained in~~ required on a statement of organization, the committee must file an amendment within 10 days of the change.
- (~~a~~)(b) **Where to File.** The committee must file the original amended statement of organization, ~~an amendment shall be filed within 10 days to reflect the change. The committee shall file the original of the amendment with the Secretary of State and shall also file a copy of the amendment with the local filing officer, if any, with whom. If the committee is required to file the originals of its campaign reports pursuant to Section 84215 with a local filing officer under § 84304, the committee must file a copy of the amendment with the local filing officer.~~
- (c) **Amend Within 24 Hours Near Election.** In addition to filing ~~an~~ the amendment ~~to a statement of organization as required by subdivision (a), a committee as defined in subdivision § 82012(a) of Section 82013 shall~~ must notify within 24 hours, by ~~facsimile transmission~~ fax, online transmission,

guaranteed overnight delivery, or personal delivery ~~within 24 hours, notify,~~ the filing officer with whom it is required to file the originals of its campaign reports ~~pursuant to Section 84215 if under § 84304 if:~~

(1) the change requiring the amendment occurs within 16 days before the ~~date of the election in connection with which~~ where the committee is required to file ~~a preelection statement, but after the closing date of the last preelection statement required to be filed for the election pursuant to Section 84200.8, if statements under § 84101; and~~

~~(+)(2)~~ (2) any of the following information is changed:

(A) the name of the committee;

(B) the name of the treasurer or other principal officers; ~~or~~

(C) the name of any candidate or committee by which the committee is controlled or with which it acts jointly.

~~(b)(d)~~ **Contents; Online Filing.** The notification ~~shall~~ must include the changed information, the date of the change, the name of the person providing the notification, and the committee's name and identification number. A committee may file a notification online only if the appropriate filing officer is capable of receiving the notification in that manner.

§ 84100. § 83105. Treasurer; Assistant Treasurer. (84100; 18426.1)

(a) **Treasurer.** Every recipient committee ~~shall~~ defined in § 82012(a) must have a treasurer. No expenditure ~~shall~~ may be made by or on behalf of a committee without the authorization of the treasurer or ~~that of his or her~~ the treasurer's designated agents. No contribution or expenditure ~~shall~~ may be accepted or made by or on behalf of a committee ~~at a time when there is a vacancy in the if the~~ office of treasurer is vacant.

~~(b) § 84101.5.~~ **Assistant Treasurer.** A recipient committee may designate one assistant treasurer on the committee's statement of organization. The assistant treasurer may sign and verify a campaign statement on behalf of the committee if the assistant uses reasonable diligence to prepare and review it and signs to that effect under penalty of perjury as required by § 84400.

(1) For statements signed by the assistant treasurer, the treasurer and assistant treasurer are jointly and severally liable for any violations that the Political Reform Act would otherwise hold the treasurer liable for.

(2) The assistant treasurer assumes the duties and responsibilities of the treasurer if there is a temporary vacancy in the treasurer's office or if the treasurer is unavailable.

§ 83106. Recipient Committee Annual Fees. (84101.5)

(a) ~~Notwithstanding Section 81006,~~ **Annual Committee Registration Fee.** The Secretary of State ~~shall~~ will charge each committee that is required to file a statement of organization ~~pursuant to subdivision (a) of Section 84101, and each committee that is required to file under § 83102(a) statement of organization pursuant to subdivision (a) of Section 84101 shall pay,~~ a fee of fifty dollars (~~\$\$~~50) per year until the committee is terminated ~~pursuant to Section 84214 under § 84500.~~

(b) **Initial Payment Date.** A committee ~~shall~~ must pay the fee ~~prescribed in subdivision~~ required by (a) ~~no later than~~ within 15 days after filing its statement of organization.

~~(c) (e)(1) A~~ **Annual Payment Date.**

(1) After the initial payment, the committee must annually ~~shall~~ pay the \$50 fee ~~prescribed in subdivision (a)~~ no later than January 15 ~~April 30~~ of each year.

(2) A committee that is created and pays the initial fee ~~pursuant to subdivision (b) in the final three months of a calendar year~~ in October, November, or December is not subject to the annual fee ~~pursuant to paragraph (1)~~ for the following calendar year.

~~(2) A committee that existed prior to January 1, 2013, shall pay the fee prescribed in subdivision (a) no later than February 15, 2013, and in accordance with paragraph (1) in each year thereafter. A committee that terminates pursuant to Section 84214 prior to January 31, 2013, is not required to pay a fee pursuant to this paragraph.~~

~~(e)(d)~~ **(1) Failure to Pay Fee.** A committee that fails to ~~timely~~ pay a fee on time as required by this section is subject to a penalty equal to three times the amount of the fee.

~~(d)(e)~~ **Enforcement.** The Commission ~~shall~~will enforce the requirements of this section.

§ 84104. Article 2. Recordkeeping and Notices to Contributors

It shall be the duty of each candidate, treasurer § 83200. Recordkeeping. (84104)

(a) **Duty to Maintain Records.** Candidates, treasurers, principal ~~officer~~officers, and elected ~~officer~~officers all have a duty to maintain detailed accounts, records, bills, and receipts necessary to prepare campaign statements, to establish that campaign statements ~~were properly filed, and to otherwise comply with the provisions of this chapter. The detailed accounts, records, bills, and receipts shall be retained by the filer for a period specified by the Commission. However, the Commission shall not require retention of records for a period longer than the statute of limitations specified in Section 91000.5 or two years after the adoption of an audit report pursuant to Chapter 10 (commencing with Section 90000), whichever is less~~are properly filed, and to otherwise comply with this title.

(b) **§ 84105. Retention Period.** The filer must retain the detailed accounts, records, bills, and receipts for a period determined by the Commission. But the Commission cannot require retention of records for longer than the five-year statute of limitations specified in § 90334 or two years after the adoption of an audit report under Chapter 13, whichever is shorter.

§ 83201. Notification to Contributors. (84105; 18427.1)

(a) **Notice at \$5,000.** A candidate or committee that receives contributions ~~of five thousand dollars (\$totaling \$5,000)~~ or more from ~~any~~a person ~~shall in a calendar year must~~ inform ~~the~~that contributor within two weeks of receipt ~~of the contributions that he or she~~the contributor may be required to file campaign reports, ~~and shall. The notice must~~ include a reference to the filing requirements for multipurpose organizations under ~~Section 84222. However, §§ 82055, 84700, and 84701.~~

(b) **Notice at \$10,000.** A candidate or committee that receives a contribution of ~~ten thousand dollars (\$\$10,000)~~ or more from ~~any~~a person during ~~any~~a period in which late-contribution reports are required to be filed ~~pursuant to Section 84203 shall~~under § 84200 must provide the information in (a) to the contributor within one week.

~~(a)(c)~~ **Exception.** The notification required by this section ~~is~~need not ~~required to~~ be sent to ~~any~~a contributor who has an identification number assigned by the Secretary of State issued ~~pursuant to Section 84101 under § 83102.~~

§ 84200. Semi-Annual Chapter 4. Campaign Disclosure; Filing Campaign Statements.

Except as provided in paragraphs (1), (2), and (3), Reports (§ 84100–§ 84902)

Article 1. Periodic Campaign Statements

§ 84100. Semiannual Statements; Who Files. (84200)

- (a) **Elected Officers, Candidates and Recipient Committees.** Elected officers, candidates, and ~~recipient~~ committees ~~pursuant to subdivision (a) of Section 82013 shall~~ under § 82012(a) must file semiannual statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31, ~~except as provided in (1)-(3).~~
- (1) A candidate who, during the past six months, has filed a declaration ~~pursuant to Section 84206 shall not be~~ under § 84302 that he or she will receive or spend less than \$2,000 is not required to file a semiannual statement for that six-month period.
- (2) Elected officers ~~whose~~ with salaries ~~are~~ less than two hundred dollars (\$200) a month, judges, judicial candidates, and their controlled committees ~~shall~~ need not file semiannual statements ~~pursuant to~~ under this subdivision for any six-month period in which they have not made or received any contributions or made any expenditures.
- (3) A judge who is not listed on the ballot for reelection to, or recall from, any elective office during a calendar year ~~shall~~ need not file semiannual statements ~~pursuant to~~ under this subdivision for any six-month period in that year if ~~both of the following apply:~~
- (A) the judge has not received any contributions; ~~and~~
- (B) the only expenditures made by the judge during the calendar year are contributions ~~from the judge's personal funds~~ to other candidates or committees, made from the judge's personal funds and totaling less than ~~one thousand dollars (\$1,000).~~
- (b) **Independent Expenditure and Major Donor Committees.** All ~~independent-expenditure and major-donor~~ committees ~~pursuant to subdivision under § 82012(b) or (c) of Section 82013 shall~~ must file campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31, if they ~~have~~ made contributions or independent expenditures, including payments to a slate-mailer organization, during the six-month period before ~~the statement's~~ closing date ~~of the statements.~~

§ 84200.5. § 84101. Preelection Statements; Who Files. (84200.5)

- (a) **Who Must File.** In addition to the semiannual campaign statements required by ~~Section 84200,~~ § 84100, the following elected officers, candidates, and committees ~~shall~~ must file preelection statements ~~as follows~~ under § 84102:
- (1) **Candidates or measures on the ballot.** All candidates appearing on the ballot to be voted on at the next election, their controlled committees, and committees primarily formed to support or oppose an elected officer, candidate, or a measure appearing on the ballot ~~to be voted on at~~ for the next election ~~shall file the applicable preelection statements specified in Section 84200.8.~~
- (2) **Elected state officers and candidates not on the ballot.** All elected state officers and candidates for elective state office who:
- (A) are not appearing on the ballot at the next statewide primary or general election; ~~and~~
- (B) ~~who,~~ during the preelection reporting periods ~~covered by Section 84200.8, under § 84102,~~ either contribute to ~~any~~ a committee that is required to report receipts, expenditures, or contributions ~~pursuant to~~ under this title, or make an independent expenditure of ~~five hundred dollars (\$500)~~ or more in connection with the statewide primary or general election, shall ~~file the applicable preelection statements specified in Section 84200.8.~~
- ~~(a) A State or county general-purpose committees. A state or county general-purpose recipient~~ committee formed ~~pursuant to subdivision under § 82012(a) of Section 82013,~~ other than a political-

party committee as defined in ~~Section 85205~~, shall file the applicable preelection statements specified in ~~Section 84200.8§ 82061~~, if it makes contributions or independent expenditures totaling ~~five hundred dollars (\$500)~~ or more in connection with the statewide primary or general election during the ~~period covered by the preelection statements. However, reporting periods.~~ But a state or county general-purpose committee formed pursuant to subdivision under § 82012(b) or (c) of Section 82013 is not required to file the preelection statements specified in Section 84200.8.

~~(3) A political party (independent expenditure or major-donor committee as defined in Section 85205 shall) need not~~ file the applicable ~~§ 84102~~ preelection statements specified in Section 84200.8.

~~(2)(4)~~ **Political-party committees.** A political-party committee under § 82061 must file the preelection statements in connection with a state election if the committee receives contributions totaling ~~one thousand dollars (\$1,000)~~ or more, ~~—~~ or if it makes contributions or independent expenditures totaling ~~five hundred dollars (\$500)~~ or more, ~~—~~ in connection with the election during the period covered by the preelection statement.

~~(3)(5)~~ **City general-purpose committees.** A city general-purpose recipient committee formed pursuant to subdivision under § 82012(a) of Section 82013 ~~shall~~ must file the applicable preelection statements specified in ~~Section 84200.8§ 84102~~ if it makes contributions or independent expenditures totaling ~~five hundred dollars (\$500)~~ or more in connection with a city election in the committee's jurisdiction during the period covered by the preelection statements. ~~However, But~~ a city general-purpose committee formed pursuant to subdivision under § 82012(b) or (c) of Section 82013 is ~~(independent expenditure or major-donor committee) need not required~~ to file the ~~§ 84102~~ preelection statements specified in Section 84200.8.

(b) **CalPERS and CalSTRS.** During an election period for the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board, the following candidates and committees must file the preelection statements specified in § 84801:

(1) All candidates for these boards, their controlled committees, and committees primarily formed to support or oppose the candidates ~~shall file the preelection statements specified in Section 84200.9.~~

(2) A state or county general-purpose recipient committee formed pursuant to subdivision under § 82012(a) of Section 82013 ~~shall~~ must file the preelection statements specified in Section 84200.9 if it makes contributions or independent expenditures totaling ~~five hundred dollars (\$500)~~ or more during the period covered by the preelection statement to support or oppose a candidate, or a committee primarily formed to support or oppose a candidate on the ballot for the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board.

(3) ~~However, But~~ a general-purpose committee formed pursuant to subdivision under § 82012(b) or (c) of Section 82013 is ~~(independent expenditure or major-donor committee) need not required to~~ file the statements specified in ~~Section 84200.9§ 84801~~.

§ 84200.8. Timing for Filing § 84102. Preelection Statements; When to File. (84200.8)

Preelection statements ~~shall~~ must be filed under this section as follows:

- (a) For the period ending 45 days before the election, the statement ~~shall~~ must be filed no later than 40 days before the election.
- (b) For the period ending 17 days before the election, the statement ~~shall~~ must be filed no later than 12 days before the election. ~~All candidates being voted upon in the election in connection with which the statement is filed, their controlled committees, and committees formed primarily to support or oppose a candidate or measure being voted upon in that election shall file this statement by guaranteed overnight delivery service or by personal delivery.~~
- (c) For runoff elections held within 60 days of the qualifying election, an additional preelection statement for the period ending 17 days before the runoff election ~~shall be filed no later than 12 days before the~~

~~election. All candidates being voted upon in the election in connection with which the statement is filed, their controlled committees, and committees formed primarily to support or oppose a candidate or measure being voted upon in that election shall file this statement by guaranteed overnight delivery service or by personal delivery, must be filed no later than 12 days before the election.~~

~~(d) § 84202.3. All candidates being voted on in the election in connection with which the statement is filed, their controlled committees, and committees primarily formed to support or oppose a candidate or measure being voted on in that election must file the statement due 12 days before the election in (b) and (c) by guaranteed overnight delivery or personal delivery.~~

§ 84103. Quarterly Campaign Statements; Ballot-Measure Committees; When to File. (84202.3)

(a) **Deadlines for Filing.** In addition to the semiannual campaign statements required by Section 84200, § 84100, recipient committees ~~pursuant to subdivision under § 82012(a) of Section 82013,~~ that are primarily formed to support or oppose the qualification, passage, or defeat of a measure, and state-measure proponents ~~of a state ballot measure~~ who control a committee primarily formed or existing primarily to support the qualification, passage, or defeat of a state ballot measure, ~~shall~~must file campaign statements on the following dates:

- (1) No later than April 30 for the period January 1 through March 31.
- (2) No later than October 31 for the period July 1 through September 30.

(b) Exception for Committee Filing Preelection Statements.

This section ~~shall~~does not apply to a committee during any semiannual period in which the committee is required to file preelection statements ~~pursuant to subdivision (a), (b), or (c) of Section 84200.5 under § 84101(a)(1)–(3).~~

~~(b)(c)~~ **Exception After Election.** This section ~~shall~~does not apply to a committee following the election at which the measure ~~is~~has been voted ~~upon~~on unless the committee makes contributions or expenditures to support or oppose the qualification or passage of another ballot measure.

§ 84202.7. Time for Filing by Committees of § 84104. Odd-Numbered-Year Reports of Contributions to Elected State Officers; When to File. Except as provided in subdivision (b),

(84202.7)

During an odd-numbered year, ~~any~~a committee ~~by virtue of Section 82013~~ that makes contributions totaling ~~ten thousand dollars (\$10,000)~~ or more to elected state officers, their controlled committees, or committees primarily formed to support or oppose any elected state officer during a period specified below ~~shall~~, must file campaign statements on the following dates:

- (a) No later than April 30 for the period of January 1 through March 31.
- (b) No later than October 31 for the period of July 1 through September 30.

~~(a) If a committee makes contributions totaling ten thousand dollars (\$10,000) or more to elected state officers, their controlled committees, or committees primarily formed to support or oppose any elected state officer during a period specified in subdivision (a), and all of those contributions are reported pursuant to Section 84202.5 on or before the time specified in subdivision (a), the committee shall not be required to file additional statements for that period pursuant to this section.~~

§ 84203. Late Contribution; Reports.

Each Article 2.24-Hour and Other Activity-Based Reports

§ 84200. Late Contributions; Reports. (84203)

- (a) **Who Must File and Where.** A candidate or committee that makes or receives a late contribution, as defined in ~~Section 82036, shall~~ § 82043, must report the late contribution to each ~~office-filing officer~~ with ~~which~~ whom the candidate or committee is required to file its next campaign statement ~~pursuant to Section 84215, under § 84304.~~
- (b) **Contents of Report for Contributor.** The candidate or committee that makes the late contribution ~~shall must~~ report ~~his or her~~:
- (1) the full name and street address and of the filer;
 - (2) the full name and street address of the person to whom the late contribution has been made;
 - (1)(3) the office sought if the recipient is a candidate, or the ballot measure number or letter if the recipient is a committee primarily formed to support or oppose a ballot measure, and the date and amount of the late contribution. The recipient of the late contribution shall report his or her full name and street address, the date and amount of the late contribution, and whether the contribution was made in the form of a loan. The recipient shall also report the full name of the contributor, his or her street address, occupation, and the name of his or her employer, or if self-employed, the name of the business; and
 - (4) the date and amount of the late contribution.
- (c) **Contents of Report for Recipient.** The recipient of the late contribution must report:
- (1) the full name and street address of the filer;
 - (2) the date and amount of the late contribution, including whether the contribution was made in the form of a loan; and
 - (3) the full name of the contributor, and the contributor's street address, occupation, and employer's name, or if self-employed, the name of the business.
- (b)(d) **File Within 24 Hours.** A late contribution ~~shall must~~ be reported by ~~faesimile transmission, fax,~~ guaranteed overnight delivery, ~~or~~ personal delivery, or online transmission, if available, within 24 hours of the time it is made in the case of the candidate or committee that makes the contribution, ~~and within 24 hours of the time it is~~ received in the case of the recipient. If a late contribution ~~is required to must~~ be reported to the Secretary of State, the report ~~to the Secretary of State shall must~~ be filed by online or electronic transmission only. ~~A late contribution shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.~~
- (e) **Subsequent Reporting.** A late contribution must be reported on subsequent campaign statements without regard to reports filed under this section and reports filed under this section will be in addition to any other campaign statement required to be filed by this title.
- (e)(f) **Contributions Returned Within 24 Hours.** A late contribution need not be reported, ~~nor shall will~~ it be ~~deemed~~ considered accepted, if it is not cashed, negotiated, or deposited and is returned to the contributor within 24 hours of its receipt.
- (a) ~~A report filed pursuant to this section shall be in addition to any other campaign statement required to be filed by this chapter.~~
- (b) ~~The report required pursuant to this section is not required to be filed by a candidate or committee that has disclosed the late contribution pursuant to subdivision (a) or (b) of Section 85309.~~
- (g) **§ 84203.3. Late Exception.** Late Contributions that have been disclosed by candidates or committees under § 84203 (a) need not be disclosed under this section.

§ 84201. Late In-Kind Contributions. (84203.3)

- (a) ~~(a) Any~~ **Notice of Value.** A candidate or committee that makes a late ~~contribution that is an~~ in-kind contribution ~~shall must~~ notify the recipient in writing of the value of the in-kind contribution.

~~The~~Written notice ~~shall~~must be received by the recipient within 24 hours of the time the contribution is made.

- (b) ~~(b)~~**Reporting.** Nothing in this section ~~shall relieve~~relieves a candidate or committee that makes a late in-kind contribution, or the recipient of a late in-kind contribution, from the requirement to file late- contribution reports ~~pursuant to Section 84203. However, under § 84200. But~~ a report filed by the recipient of a late in-kind contribution ~~shall~~will be ~~deemed~~considered timely ~~filed if it is~~ received by the filing officer within 48 hours of ~~the time~~receipt of the contribution ~~is received~~.

§ 84204. § 84202. Late Independent Expenditures; Reports. **(84204)**

- (a) **File Within 24 Hours.** A committee that makes a late independent expenditure, as defined in ~~Section 82036.5, shall~~§ 82044, must report the ~~late independent~~ expenditure by ~~facsimile transmission, fax,~~ guaranteed overnight delivery, ~~or~~ personal delivery, or online transmission, if available, within 24 hours of the time it is made. ~~If a late independent expenditure is required to be reported to the Secretary of State, the report to the Secretary~~
- (a) ~~**Contents** of State shall be by online or electronic transmission only. A late independent expenditure shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.~~
- (b) **Report.** A committee that makes a late independent expenditure ~~shall~~must report:
- (1) its full name and street address, ~~as well as;~~
 - (2) ~~if the report is related to a candidate,~~ the name, office, and district of the candidate ~~if the report is related to a candidate, or;~~
 - (3) ~~if the report is related to a measure, the number or letter of the measure, and the jurisdiction in which that will vote on the measure is to be voted upon, and;~~
 - (4) the amount ~~and the~~ date, ~~as well as~~and a description of goods or services for which the late independent expenditure was made. ~~In addition to; and~~
 - ~~(4)(5)~~ (5) the information required by ~~this subdivision, a committee that makes a late independent expenditure shall include with its late independent expenditure report the information required by paragraphs (1) to (5), inclusive, of subdivision § 84300(f) of Section 84211, (1)–(5)~~ covering the period from the day after the closing date of the last campaign report filed to the date of the late independent expenditure. Or if the committee has not previously filed a campaign statement, covering the period from ~~the previous~~ January 1 to the date of the late independent expenditure. No information required by ~~paragraphs (1) to (5), inclusive, of subdivision § 84300(f) of Section 84211 (1)–(5)~~ that is required to be reported with a late independent expenditure report by this subdivision is required to be reported on more than one late independent expenditure report.
- ~~(b)(c)~~ **Where to File.** A committee that makes a late independent expenditure ~~shall~~must file a late independent expenditure report in the places where it would be required to file campaign statements under this ~~article~~title as if it were a committee primarily formed or existing ~~primarily~~ to support or oppose the candidate or measure for or against which it is making the late independent expenditure. If a late independent expenditure is required to be reported to the Secretary of State, the report must be filed online only.
- ~~(e)(d)~~ **Subsequent Reporting.** A report filed ~~pursuant to~~under this section ~~shall be~~is in addition to any other campaign statement required to be filed by this ~~article~~title, so a late independent expenditure must also be reported on those later campaign statements without regard to reports filed under this section.
- ~~(d)(e)~~ **Exception.** Expenditures that have been disclosed by candidates and committees ~~pursuant to Section 85500 are~~under § 86301 need not ~~required to~~ be disclosed ~~pursuant to~~under this section.

§ 85309. § 84203. Online Disclosure of Contributions, Received. (85309)

- (a) ~~In addition to any other report required by this title, a candidate for elective state office who is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State a report disclosing receipt of a contribution of one thousand dollars (\$1,000) or more received during an election cycle. Those reports shall disclose the same information required by subdivision (a) of Section 84203 and shall be filed within 24 hours of receipt of the contribution.~~
- (b) ~~In addition to any other report required by this title, any committee primarily formed to support or oppose one or more state ballot measures that is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State a report disclosing receipt of a contribution of one thousand dollars (\$1,000) or more received during an election cycle. Those reports shall disclose the same information required by subdivision (a) of Section 84203 and shall be filed within 24 hours of receipt of the contribution.~~

In addition to any other report required by this title, a candidate for elective state office who is required to file reports pursuant under § 84305, and a committee primarily formed to Section 84605 shall support or oppose one or more state ballot measures that is required to file reports under § 84305, must file online or electronically a report with the Secretary of State a report disclosing receipt of a contribution of five thousand dollars (\$5,000) or more received at any time other than during an election cycle. Those reports shall disclose the same information required by subdivision (a) of Section 84203 and shall be filed within 10 business days of receipt of the contribution following:

- (a) ~~In addition to any other report required by this title, a committee primarily formed to support or oppose a state ballot measure that is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State a report disclosing receipt of~~ **Report at \$1,000.** A contribution of ~~five thousand dollars (\$5,000) or more received on or within 90 days before the date of the election. These reports must disclose the same information required by § 84200(c) and must be filed within 24 hours of receipt.~~
- (a)(b) **Report at \$5,000.** A contribution of \$5,000 or more received at any time other than ~~during an on~~ or within 90 days before the date of the election cycle. ~~Those. These~~ reports shall ~~must~~ disclose the same information required by ~~subdivision (a) of Section 84203 and shall § 84200(c) and must~~ be filed within 10 business days of receipt ~~of the contribution.~~

§ 84204. \$5,000 Ballot Measure Contributions and Expenditures; Reports. (84204.5)

- (a) **Report at \$5,000.** In addition to any other report required by this title, a recipient committee pursuant to ~~subdivision under § 82012(a) of Section 82013~~ that is required to file reports pursuant to Section 84605 shall under § 84305, must file online or electronically with the Secretary of State each time it makes contributions totaling ~~five thousand dollars (\$5,000)~~ or more, or each time it makes independent expenditures totaling ~~five thousand dollars (\$5,000)~~ or more to support or oppose the qualification or passage of a single state ballot measure.
- (a)(b) **Timing and Content of Report.** The report shall ~~must~~ be filed within 10 business days of making the contributions or independent expenditures and shall ~~must~~ contain ~~all of the following~~:
- (1) **Committee.** The committee's full name, street address, and identification number ~~of the committee.~~
 - (2) **Measure.** The measure's:
 - (A) number or letter ~~of the measure~~, if the measure has qualified for the ballot and has been assigned a number or letter;
 - (B) ~~the title of the measure~~, if the measure has not been assigned a number or letter but has been issued a title by the Attorney General; or
 - (C) ~~the subject of the measure~~, if the measure has not been assigned a number or letter and has not been issued a title by the Attorney General.

~~(2)(3)~~ In the case of a contribution, the **Contributions**. The contribution's date and amount of the contribution, and the name, address, and identification number of the committee to whom the contribution was made. ~~In addition,~~ The report ~~shall~~must include the information required by ~~paragraphs (1) to (5), inclusive, of subdivision § 84300(f) of Section 84211, regarding~~ (1)–(5) on contributions or loans received from a person described in that subdivision, covering the period from the day after the closing date of the last campaign report filed to the date of the contribution requiring a report under this section, or if the committee has not previously filed a campaign statement, covering the period from the previous January 1 to the date of the contribution requiring a report under this section. No information described in ~~paragraphs (1) to (5), inclusive, of subdivision § 84300(f) of Section 84211~~ (1)–(5) that is required to be reported ~~pursuant to~~under this subdivision is required to be reported in more than one report provided for in this subdivision for each contribution or loan received from a person described in ~~subdivision § 84300(f) of Section 84211.~~

~~(3)(4)~~ In the case of an independent expenditure, **Independent expenditures**. The date, amount, and a description of the goods or services for which the expenditure was made. ~~In addition,~~ The report ~~shall~~must include the information required by ~~paragraphs (1) to (5), inclusive, of subdivision § 84300(f) of Section 84211 regarding~~ (1)–(5) on contributions or loans received from a person described in that subdivision, covering the period from the day after the closing date of the last campaign report filed to the date of the expenditure, or if the committee has not previously filed a campaign statement, covering the period from the previous January 1 to the date of the expenditure. No information described in ~~paragraphs (§ 84300(f)(1) to (5), inclusive, of subdivision (f) of Section 84211~~ that is required to be reported ~~pursuant to~~under this subdivision is required to be reported in more than one report provided for in this subdivision for each contribution or loan received from a person described in ~~subdivision § 84300(f) of Section 84211.~~

~~(c)~~ Reports required by **Exceptions**. The following does not have to be reported under this section ~~are not required to be filed by:~~

~~(4)(1)~~ A committee primarily formed to support or oppose the qualification or passage of a state ballot measure ~~does not need to file reports required by this section~~ for expenditures made on behalf of the ballot measure or measures for which it is formed.

~~(5)(2)~~ Independent expenditures that have been disclosed by a committee ~~pursuant to Section 84204 under § 84202 or 85500 are~~ § 86301 ~~need~~ not ~~required to~~ be disclosed ~~pursuant to~~under this section.

~~§ 84223. § 84205. Top Ten Contributor Lists.~~ (84223)

~~(a)~~ **Required to Maintain List of Top Ten.** A committee primarily formed to support or oppose a state ballot measure or state candidate that raises ~~one million dollars (\$1,000,000)~~ or more for an election ~~shall~~must maintain an accurate list of the committee's top 10 contributors, as specified by Commission regulations. A current list of the top 10 contributors ~~shall~~must be provided to the Commission for disclosure on the Commission's ~~Internet Web site, as provided in subdivision (c).~~ website under (f).

~~(b)~~ ~~(1)~~ Except as **Information to Maintain**. Unless provided in ~~paragraph (c)(4),~~ the list of top 10 contributors ~~shall~~must identify:

(1) the names of the 10 persons who have made the largest cumulative contributions to the committee;

(2) the total amount of each person's contributions;

(3) the city and state of the person;

(4) the person's committee identification number, if any; and

(5) any other information ~~deemed~~considered necessary by the Commission. ~~If any of the~~

~~(b)(c)~~ **Method to Determine Top Ten.** The committee's top 10 contributors ~~identified on the list are~~ committees pursuant to subdivision (a) of Section 82013, the Commission may require, by regulation, that the list also identify the top 10 contributors to those contributing committees. must be determined as follows:

- (1) ~~(A)~~ A committee primarily formed to support or oppose a state ballot measure ~~shall~~ must count the cumulative amount of contributions received by the committee from a person for the period beginning 12 months ~~prior to before~~ the date the committee made its first expenditure to qualify, support, or oppose the measure and ending with the current date.
- (2) A committee primarily formed to support or oppose a state candidate ~~shall~~ must count the cumulative amount of contributions received by the committee from a person for the primary and general elections combined.
- (3) The aggregation rules of ~~Section 85311~~ § 82017 and any implementing regulations adopted by the Commission ~~shall~~ apply in identifying the persons who have made the top 10 cumulative contributions to a committee.
- (4) A person who makes contributions to a committee in a cumulative amount of less than ~~ten thousand dollars (\$10,000)~~ shall will not be identified or disclosed as a top 10 contributor to a committee ~~pursuant to under~~ this section.

~~(b) (1) The Commission shall adopt regulations to govern the manner in which the Commission shall display top 10 contributor lists provided by a committee that is subject to this section, and the Commission shall post the top 10 contributor lists on its Internet Web site in the manner prescribed by those regulations. The Commission shall provide the top 10 contributor lists to the Secretary of State, upon the request of the Secretary of State, for the purpose of additionally posting the contributor lists on the Secretary of State's Internet Web site.~~

~~(2) A committee shall provide an updated top 10 contributor list to the Commission when any of the following occurs:~~

~~(A) A new person qualifies as a top 10 contributor to the committee.~~

~~(B) A person who is an existing top 10 contributor makes additional contributions to the committee.~~

~~(C) A change occurs that alters the relative ranking order of the top 10 contributors.~~

(5) The 10 persons who have made the largest cumulative contributions to a committee ~~shall~~ must be listed in order from largest contribution amount to smallest amount. If two or more contributors of identical amounts meet the threshold for inclusion in the list of top 10 contributors, the order of disclosure ~~shall will~~ be made beginning with the most recent contributor of that amount.

~~(3) The Commission shall post or update a top 10 contributor list within five business days or, during the 16 days before the election, within 48 hours of a contributor qualifying for the list or of any change to the list.~~

(6) In listing the top 10 contributors, a committee ~~shall~~ must use reasonable efforts to identify and state the ~~actual~~ individuals or corporations that are the true sources of the contributions made to the committee from other persons or committees.

~~(d) In addition~~ **Updating Top Ten List.** A committee must provide an updated top 10 contributor list to any other lists that the Commission is required when:

(1) a new person qualifies as a top 10 contributor to post the committee;

(2) a person who is an existing top 10 contributor makes additional contributions to the committee; or

(3) a change occurs that alters the relative ranking order of the top 10 contributors.

~~(e)~~ **Requiring Additional Disclosure.** If any of the top 10 contributors ~~identified on its Internet Web site, the list are recipient committees under § 82012(a),~~ the Commission ~~shall may~~ require, by regulation, that the list also identify the top 10 contributors to those contributing committees.

~~(e)(f)~~ **Posting.** The Commission will compile, maintain, and display on its ~~Internet Web site~~ website a current list of the top 10 contributors supporting and opposing each state ballot measure, as ~~prescribed by Commission regulations specified by Commission regulations.~~ The Commission will post or update a top 10 contributor list within five business days or, during the 16 days before the election,

within 48 hours of a contributor qualifying for the list or of any change to the list. The Commission will provide the top 10 contributor lists to the Secretary of State, on the request of the Secretary of State, to post the contributor lists on the Secretary of State's website.

§ 84211. Article 3. Contents of Campaign Statement, and Where to File

§ 84300. Contents of Campaign Statement. (84211)

Each campaign statement required by this article ~~shall~~must contain all ~~of~~ the following information:

- (a) **Total Contributions.** The total amount of contributions received during the period covered by the campaign statement and the total cumulative amount of contributions received.
- (b) **Total Expenditures.** The total amount of expenditures made during the period covered by the campaign statement and the total cumulative amount of expenditures made.
- (c) **Total Itemized Contributions.** The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of ~~one hundred dollars (\$100)~~ (\$100) or more.
- (d) **Total Unitemized Contributions.** The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of less than ~~one hundred dollars (\$100)~~ \$100.
- (e) **Cash Balance.** The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement.
- (f) **Contribution Information.** If the cumulative amount of contributions ~~(, including loans),~~ (, including loans), received from a person is ~~one hundred dollars (\$100)~~ (\$100) or more and a contribution or loan has been received from that person during the period covered by the campaign statement, all ~~of~~ the following:
 - (1) ~~His or her~~the person's full name-;
 - (2) ~~His or her~~the person's street address-;
 - (3) ~~His or her~~if an individual, the person's occupation-;
 - (4) if an individual, the name of ~~his or her~~the person's employer, or if self-employed, the name of the business-;
 - (5) the date and amount received for each contribution ~~received~~ during the period covered by the campaign statement and if the contribution is a loan, the interest rate for the loan-; and
 - (6) the cumulative amount of contributions.
- (g) **Loan Information.** If the cumulative amount of loans received from or made to a person is ~~one hundred dollars (\$100)~~ (\$100) or more, ~~and a loan has been received from or made to a person~~ during the period covered by the campaign statement, or is outstanding during the period covered by the campaign statement, all ~~of~~ the following:
 - (1) ~~His or her~~the person's full name-;
 - (2) ~~His or her~~the person's street address-;
 - (3) ~~His or her~~if an individual, the person's occupation-;
 - (4) if an individual, the name of ~~his or her~~the person's employer, or if self-employed, the name of the business-;
 - (5) the original date and amount of each loan-;
 - (6) the due date and interest rate of the loan-;
 - (7) the cumulative payment made or received to date at the end of the reporting period-;
 - (8) the ~~balance~~ outstanding balance at the end of the reporting period-; and
 - (9) the cumulative amount of contributions.
- (h) **Loan-Guarantor Information.** For each person, other than the filer, who is directly, indirectly, or contingently liable for repayment of a loan received or outstanding during the period covered by the campaign statement, all ~~of~~ the following:
 - (1) ~~His or her~~the person's full name-;

- (2) ~~His or her~~the person's street address;
- (3) ~~His or her~~if an individual, the person's occupation;
- (4) ~~if an individual,~~ the name of ~~his or her~~the person's employer, or if self-employed, the name of the business; and
- (5) the amount of ~~his or her~~the person's maximum liability outstanding.
- (i) **Total Itemized Expenditures.** The total amount of expenditures made during the period covered by the campaign statement to persons who have received ~~one hundred dollars (\$100)~~ or more.
- (j) **Total Unitemized Expenditures.** The total amount of expenditures made during the period covered by the campaign statement to persons who have received less than ~~one hundred dollars (\$100)~~ \$100.
- (k) **Expenditure Information.** For each person to whom an expenditure of ~~one hundred dollars (\$100)~~ or more has been made during the period covered by the campaign statement, all ~~of~~ the following:
 - (1) ~~His or her~~the person's full name;
 - (2) ~~His or her~~the person's street address;
 - (3) the amount of each expenditure;
 - (4) a brief description of the consideration for which each expenditure was made;
 - (5) the information required in (1)–(4) for each person, if different from the payee, who has provided consideration for an expenditure of \$500 or more during the period covered by the campaign statement; and
 - (6) in the case of an expenditure which is a contribution to a candidate, elected officer, or committee, or an independent expenditure to support or oppose a candidate or measure, in addition to the following additional information required in paragraphs (1) to (4) above:
 - (A) the date of the contribution or independent expenditure;
 - (B) the cumulative amount of contributions made to a candidate, elected officer, or committee;
 - (C) the cumulative amount of independent expenditures made relative to a candidate or measure;
 - (D) the full name of the candidate, and the office and district for which he or she seeks nomination or election, or the number or letter of the measure; and the jurisdiction in which the measure or candidate is voted upon.
 - (1) The information required in paragraphs (1) to (4), inclusive, for each person, if different from the payee, who has provided consideration for an expenditure of five hundred dollars (\$500) or more during the period covered by the campaign statement.
 - (E) the jurisdiction in which the measure or candidate is voted on.
- (l) **Limited Definition of "Expenditure."** For ~~purposes of subdivisions (i), (j), and (k) only,~~ the terms "expenditure" or "expenditures" ~~mean any~~means an individual payment or accrued expense, unless it is clear from surrounding circumstances that a series of payments or accrued expenses are for a single service or product.
- (m) ~~In the case~~**Miscellaneous Receipts.** The amount and source of any miscellaneous receipt of a controlled committee, an official committee of a political party, or an organization primarily formed or existing primarily for political purposes, ~~the amount and source of any miscellaneous receipt.~~
- (n) **Committee Identification Number.** If a committee is listed pursuant to subdivision ~~under~~ (f), (g), (h), (k), ~~(m)~~, or ~~(q)~~, the number assigned to the committee by the Secretary of State ~~shall~~must be listed, ~~or reported.~~ If no number has been assigned, the full name and street address of the committee's treasurer ~~of the committee~~must be reported.
- (o) **Semiannual Totals.** In a campaign statement filed by a candidate ~~who is a candidate~~running in both a state primary and general election, ~~his or her~~the candidate's controlled committee, or a committee primarily formed to support or oppose such a candidate, the total amount of contributions received and the total amount of expenditures made ~~for the period between~~ January 1 through June 30 and ~~the total amount of contributions received and expenditures made for the period between~~ July 1 through December 31.

- (p) **Filer and Treasurer's Name and Address.** The full name, residential or business address, and telephone number of the filer, or ~~in the case of~~ for a campaign statement filed by a recipient committee defined by subdivision (a) of Section 82013, under § 82012(a) the name, street address, and telephone number of the committee and ~~of the~~ committee treasurer. ~~In the case of~~ For a committee defined by subdivision § 82012(b) or (c) of Section 82013 independent expenditure or major donor committee, the name that the filer uses on campaign statements shall must be the name ~~by which~~ the filer is identified by for other legal purposes or any name ~~by which the filer is~~ commonly known to the public.
- (q) **Related Committees.** If the campaign statement is filed by a candidate, the name, street address, and treasurer of any committee ~~of which he or she has knowledge which~~ that the candidate knows has received contributions or made expenditures on behalf of his or her candidacy and whether the committee is controlled by the candidate.
- (r) **Returned Contributions.** A contribution does not need ~~not to~~ be reported ~~nor shall and~~ it will not be ~~deemed~~ considered accepted if it is not cashed, negotiated, or deposited, and is returned to the contributor before the closing date of the campaign statement on which ~~the contribution~~ it would ~~otherwise~~ be reported.
- (s) **Ballot-Measure-Committee Expenditures to Related Business.** If a committee primarily formed for the qualification ~~or of~~, support of, or opposition to, an initiative or ballot measure is required to report an expenditure to a business entity pursuant to subdivision under (k), and ~~if~~ 50 percent% or more of the business entity is owned by a candidate or person controlling the committee, by an officer or employee of the committee, or by a spouse of any of these individuals, the committee's campaign statement shall must also contain, ~~in addition to the information required by subdivision (k),~~ that person's name, the relationship of that person to the committee, and a description of that person's ownership interest or position with the business entity.
- (t) **Ballot-Measure-Committee Expenditures to Related Business.** If a committee primarily formed for the qualification ~~or of~~, support of, or opposition to, an initiative or ballot measure is required to report an expenditure to a business entity pursuant to subdivision under (k), and ~~if~~ a candidate or person controlling the committee, an officer or employee of the committee, or a spouse of any of these individuals is an officer, partner, consultant, or employee of the business entity, the committee's campaign statement shall must also contain, ~~in addition to the information required by subdivision (k),~~ that person's name, the relationship of that person to the committee, and a description of that person's ownership interest or position with the business entity.
- ~~(b)~~ **Major-Donor or Independent-Expenditure Filing; Nature and Interests of Filer.** If the campaign statement is filed by a committee, ~~as defined in subdivision under § 82012(b) or (c) of Section 82013,~~ information sufficient to identify the nature and interests of the filer, including:
- (u) If the following, based on whether the filer is:
- (1) **An individual.** The name and address of the filer's employer, if any, or ~~his or her~~ the filer's principal place of business if the filer is self-employed, and a description of the business activity in which the filer or ~~his or her~~ the filer's employer is engaged.
 - (2) **If the filer is A business entity.** A description of the business activity in which it is engaged.
 - (3) **If the filer is An industry, trade, or professional association.** A description of the industry, trade, or profession ~~which~~ it represents, including a specific description of any ~~portion~~ part or faction of the industry, trade, or profession ~~which~~ the association exclusively or primarily represents.
 - (4) **If the filer is not an individual, business entity, or industry, trade, or professional association, Other.** A statement of the person's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest ~~which~~ that the person principally represents or from which its membership or financial support is principally derived.

§ 84303. § 84301. Expenditure by Agent or Independent Contractor.; Subvendor Reporting.

An expenditure of five hundred dollars

(\$

(84303)

- (a) **Criteria for Reporting.** A candidate or committee must report expenditures of \$500 or more ~~shall not be made, other than~~ except for overhead or normal operating expenses, ~~made~~ by an agent or independent contractor, including, ~~but not limited to,~~ an advertising agency, on behalf of or for the benefit of a candidate or committee ~~unless it is reported by the candidate or committee~~ as if the ~~expenditure~~ expenditures were made directly by the candidate or committee.
- (b) **Agent or Contractor to Provide Required Information.** A subagent or subcontractor who provides goods or services to or for the benefit of a candidate or committee ~~shall make known to~~ must give the agent or independent contractor all ~~of~~ the information required to be reported by this section, and ~~then~~ the agent or independent contractor ~~shall then make known to~~ must inform the candidate or committee ~~of all of~~ the information required to be reported by this section no later than three working days ~~prior to the time before~~ the campaign statement reporting the expenditure is required to be filed, ~~except that,~~ But an expenditure that is required to be reported as a late contribution by § 84200 or a late independent expenditure by Section 84203 or 84204 shall § 84202 must be reported to the candidate or committee within 24 hours of the time that it is made.

§ 84206. § 84302. Candidates Who Receive or Spend Less Than \$2,000. **(84206)**

- (a) **Short Form.** The Commission ~~shall will~~ provide ~~by regulation for~~ a short form for filing reports required by this ~~article~~ chapter for candidates or officeholders who receive contributions of less than ~~two thousand dollars (\$2,000).~~ and who make expenditures of less than ~~two thousand dollars (\$2,000).~~ in a calendar year.
- (b) **Exception for Fees.** For ~~the purposes of~~ this section, ~~in when~~ calculating ~~whether two thousand dollars (\$the \$2,000)~~ in expenditures ~~have been made,~~ payments for a filing fee or for a statement of qualification ~~shall are~~ not ~~be included if these payments have been~~ when made from the candidate's personal funds.
- (c) **Every Filing Date.** A short form in connection with an election is due no later than the date the first preelection statement is required for the calendar year under § 84102. A short form not in connection with an election is due by July 31.
- (e)(d) **Written Notification of Change.** A candidate or officeholder who ~~has filed~~ files a short form pursuant to subdivision under (a), and who ~~thereafter~~ later receives contributions or makes expenditures totaling ~~two thousand dollars (\$2,000)~~ or more in a calendar year, ~~shall must~~ send written ~~notification~~ notice to the Secretary of State, ~~the~~ local filing officer, and each candidate contending for the same office within 48 hours of receiving or expending a total of ~~two thousand dollars (\$2,000).~~ The written ~~notification shall revoke~~ notice revokes the previously filed short-form statement.

§ 84207. § 84303. County Central Committee Candidates Who Receive or Spend Less Than \$2,000. **(84207)**

- (a) **An elected member of, or a candidate** **Criteria for Filing.** An elected member of, or a candidate for election to, a qualified political party's county central committee ~~of a qualified political party~~ who receives contributions of less than ~~two thousand dollars (\$2,000)~~ and who makes expenditures of

less than ~~two thousand dollars (\$2,000)~~ in a calendar year ~~shall~~ not be required to file any campaign statements required by this title.

- (b) ~~Notwithstanding Sections 81009.5~~ **Limit on Local Agencies.** Despite §§ 81200 and ~~81013~~ 81201, a local government agency ~~shall not~~ cannot impose any filing requirements on ~~an elected member of, or a candidate for election to, a county central committee of a qualified political party who receives contributions of less than two thousand dollars (\$2,000) and who makes expenditures of less than two thousand dollars (\$2,000) in a calendar year.~~ a person described under (a).

§ 84215. § 84304. Campaign Reports and Statements; Where to File. (84215)

- (a) **Where to File.** All candidates and elected officers and their controlled committees, except as ~~provided in subdivisions (d) under (4) and (e), shall~~ must file one copy of the § 84100 semiannual campaign statements ~~required by Section 84200~~ with the elections official of the county in which the candidate or elected official is domiciled, as defined in ~~subdivision (b) of Section 349 of the Elections Code.~~ § 349(b). In addition, campaign statements ~~shall~~ must be filed at the following places:
- (1) **State.** Statewide elected officers, including members of the State Board of Equalization; members of the Legislature; Supreme Court justices, court of appeal justices, and superior court judges; candidates for those offices and their controlled committees; committees primarily formed or existing ~~primarily~~ to support or oppose these candidates, elected officers, justices and judges, or statewide measures, or the qualification of state ballot measures; and all state general-purpose committees and filers not specified in ~~subdivisions (b) to (e), inclusive, shall~~ (2)–(5), must file a campaign statement by online or electronic means, as specified in ~~Section 84605~~ § 84305, and ~~shall~~ must file the original and one copy of the campaign statement in paper ~~format~~ with the Secretary of State.
 - (2) **Multicounty.** Elected officers in jurisdictions other than legislative districts, State Board of Equalization districts, or appellate court districts that contain parts of two or more counties, candidates for these offices, their controlled committees, and committees primarily formed or existing ~~primarily~~ to support or oppose candidates or local measures to be voted ~~upon~~ on in one of these jurisdictions ~~shall~~ must file the original and one copy with the elections official of the county with the largest number of registered voters in the jurisdiction.
 - (3) **County.** County elected officers, candidates for ~~these county elected~~ offices, their controlled committees, committees primarily formed or existing ~~primarily~~ to support or oppose candidates or local measures to be voted ~~upon~~ on in any number of jurisdictions within one county, other than those ~~specified in subdivision (d) in~~ (4), and county general-purpose committees ~~shall~~ must file the original and one copy with the elections official of the county.
 - (4) **City.** City elected officers, candidates for city office, their controlled committees, committees primarily formed or existing ~~primarily~~ to support or oppose candidates or local measures to be voted ~~upon~~ on in one city, and city general purpose committees ~~shall~~ must file the original and one copy with the clerk of the city and are not required to file with the local elections official of the county ~~in which~~ where they are domiciled.
 - (5) **CalPERS and CalSTRS.** Elected members of the Board of Administration of the Public Employees' Retirement System, elected members of the Teachers' Retirement Board, candidates for these offices, their controlled committees, and committees primarily formed or existing ~~primarily~~ to support or oppose these candidates or elected members ~~shall~~ must file the original and one copy with the Secretary of State, and must file a copy ~~shall be filed~~ at the relevant board's office in Sacramento. These elected officers, candidates, and committees need not file with the elections official of the county ~~in which~~ where they are domiciled.
- (b) ~~Notwithstanding~~ **Number of Copies.** Despite any other provision of this section, a committee, candidate, or elected officer ~~is~~ need not ~~required to~~ file more than the original and one copy, or one

copy, of a campaign statement with any one county elections official ~~or~~, city clerk~~,~~ or ~~with~~ the Secretary of State.

- (c) **Filing to End of Calendar Year.** If a committee is required to file semiannual or preelection campaign statements ~~required by Section 84200 or 84200.5 under § 84100 or § 84101~~ in places designated in ~~subdivisions (a) to (d), inclusive, (1)-(4),~~ it ~~shall~~must continue to file these statements in those places, in addition to any ~~other places~~others required by this title, until the end of the calendar year.

§ 84605. § 84305. Who Shall Must File Online, with Secretary of State. (84605)

- (a) **Criteria for Mandatory Online Filing.** The following persons ~~shall~~must file online or electronically with the Secretary of State:
- (1) ~~Any~~A candidate, ~~including superior court, appellate court, and Supreme Court candidates and officeholders, a committee, or other persons who are required, pursuant to under Chapter 4 (commencing with Section 84100),~~ to file statements, reports, or other documents in connection with a state elective office or state measure, ~~provided that if~~ the total cumulative reportable amount of contributions received, expenditures made, loans made, or loans received is ~~twenty-five thousand dollars (\$25,000)~~ or more. In determining the cumulative reportable amount, all controlled committees, as defined by ~~Section 82016, shall~~ § 82018, must be included. ~~For a major donor committee subject to this title prior to January 1, 2000, the beginning date for calculating cumulative totals is January 1, 2000. For a committee that is first subject to this title on or after January 1, 2000, the beginning date for calculating cumulative totals is the date the committee is first subject to this title. A committee, as defined in subdivision under § 82012(c) of Section 82013, shall~~must file online or electronically if it makes contributions of ~~twenty-five thousand dollars (\$25,000)~~ or more in a calendar year.
 - (2) ~~Any~~A general-purpose ~~committees, as defined in Section 82027.5 committee under § 82031,~~ including the general-purpose committees of political parties, and small-contributor committees, ~~as defined in Section 85203 under § 82068,~~ that cumulatively receive contributions or make expenditures totaling ~~twenty-five thousand dollars (\$25,000)~~ or more to support or oppose candidates for any elective state office or state measure. ~~For a committee subject to this title prior to January 1, 2000, the beginning date for calculating cumulative totals is January 1, 2000. For a committee that first is subject to this title on or after January 1, 2000, the beginning date for calculating cumulative totals is the date the committee is first subject to this title.~~
 - (3) ~~Any~~A slate-mailer organization with cumulative reportable payments received or made ~~for the purposes of producing to produce~~ slate mailers of ~~twenty-five thousand dollars (\$25,000)~~ or more. ~~For a slate-mailer organization subject to this title prior to January 1, 2000, the beginning date for calculating cumulative totals is January 1, 2000. For a slate-mailer organization that first is subject to this title on or after January 1, 2000, the beginning date for calculating cumulative totals is the date the organization is first subject to this title.~~
 - (4) ~~Any~~A lobbyist, lobbying firm, lobbyist employer, or other ~~persons~~person required, ~~pursuant to under Chapter 6 (commencing with Section 86100) 10 (beginning at § 90000),~~ to file statements, reports, or other documents, ~~provided that if~~ the total amount of any category of reportable payments, expenses, contributions, gifts, or other items is ~~two thousand five hundred dollars (\$2,500)~~\$2,500 or more in a calendar quarter.
- (b) **Late Contribution and Expenditure Reports.** The Secretary of State ~~shall~~must also disclose on the Internet ~~any~~a late-contribution or late-independent-expenditure report, ~~as defined by Sections 84203 and 84204 under §§ 84200 and 84202,~~ respectively, not covered by ~~paragraph (a)(1), (2), or (3) of subdivision (a) or any other provision of law.~~
- (c) **Voluntary Participation.** Committees and other persons that are not required to file online or electronically by this section may do so voluntarily.

- (d) **Continued Participation.** Once a person or entity is required to file online or electronically, subject to ~~subdivision~~ (a) or (c), the person or entity ~~shall be~~ required to file all subsequent reports online or electronically.
- (e) **Penalty of Perjury.** It ~~shall~~ will be presumed that online or electronic filers file under penalty of perjury.
- (f) **Paper-Filing Requirements.** Persons filing online or electronically ~~shall~~ must also continue to file required disclosure statements and reports in paper format. The paper copy ~~shall~~ will continue to be the official filing for audit and other legal purposes until the Secretary of State, ~~pursuant to Section 84606 under § 90246~~, determines the system is operating securely and effectively.
- (g) **Official Version of Filings.** The Secretary of State ~~shall~~ will maintain at all times a secured, official version of all original online and electronically filed statements and reports required by this chapter. ~~Upon~~ On determination by the Secretary of State, ~~pursuant to Section 84606 under § 90246~~, that the system is operating securely and effectively, this online or electronic version ~~shall~~ will be the official version for audit and other legal purposes.
- (h) **Local Copies Not Required.** Except for statements related to a local elective office or a local ballot measure filed by a candidate for local elective office who is also a candidate for elective state office, a copy of a statement, report, or other document filed ~~by~~ online or ~~electronic means~~ electronically with the Secretary of State ~~shall~~ need not be filed with a local filing officer.

§ 84213. Verification.

Article 4. Signing Under Penalty of Perjury and Amending Statements

§ 84400. Reports and Statements; Perjury; Verification. (81004)

- (a) **Filer's Verification.** Reports and statements filed under this title must be signed under penalty of perjury and verified by the filer. The verification must state that the filer has used all reasonable diligence in preparation, and that to the best of the filer's knowledge it is true and complete.
- (b) **Treasurer's Verification.** A report or statement filed by a recipient committee, as defined under § 82012(a), must be signed and verified by the treasurer, and a report or statement filed by any other person must be signed and verified by the filer. If the filer is an entity other than an individual, the report or statement must be signed and verified by a responsible officer of the entity or by an attorney or certified public accountant acting as an agent for the entity.
- (c) **Perjury.** A person who signs and verifies a required report or statement containing material matters that the signer knows to be false is guilty of perjury.

§ 84401. Controlled Committee and Independent Expenditure Verification. (84213)

- (a) **Controlled Committee Verification.** A candidate and state-measure proponent ~~shall~~ must verify his or her campaign statement and the campaign statement of each committee subject to his or her control. The verification ~~shall~~ must be in accordance with ~~the provisions of Section 81004~~ § 84400, except that it ~~shall~~ must state that to the best of his or her knowledge ~~the treasurer of each controlled committee~~ committee's treasurer used all reasonable diligence in the preparation of the ~~committee's~~ statement. This section does not relieve ~~the any committee's~~ any committee's treasurer ~~of any committee~~ from the § 84400 obligation to verify each campaign statement filed by the committee ~~pursuant to Section 81004~~.
- (b) **Verification of Independent Expenditures.** If a committee is required to file a campaign statement or report disclosing an independent expenditure ~~pursuant to~~ under this title, a principal officer of the committee or, in the case of a controlled committee, the candidate or state-measure proponent or opponent who controls the committee ~~shall~~ must sign a verification on a report prescribed by the

Commission. ~~Notwithstanding~~Despite any other provision of this title, the report containing the verification required by this subdivision ~~shall~~must be filed only with the Commission. The verification ~~shall~~must read as follows:

I have not received any unreported contributions or reimbursements to make these independent expenditures. I have not coordinated any expenditure made during this reporting period with the candidate or the opponent of the candidate who is the subject of the expenditure, with the proponent or the opponent of the state measure that is the subject of the expenditure, or with the agents of the candidate or the opponent of the candidate or the state-measure proponent or opponent.

§ 84209. § 84402. Reports and Statements; Amendments. (81004.5)

The filer may, at any time, amend a report or statement filed under this title. Amending an incorrect or incomplete report or statement may be considered evidence of good faith.

§ 84403. Candidates and Controlled Committees; Consolidated Statements. (84209)

A candidate or state-measure proponent and ~~any~~a committee or committees ~~which~~that the candidate or a state-measure proponent controls may file consolidated campaign statements under this chapter. ~~Such~~The consolidated statements ~~shall~~must be filed in ~~each place each of all places that~~ the committees and the candidate or state-measure proponent would be required to file ~~campaign statements~~ if separate statements were filed.

§ 84205. § 84404. Filing Dates for Reports and Statements; Weekend or Holiday Extension. (18116)

(a) **Next Business Day.** If this title requires that a statement or report be filed before or on a specified date or during or within a specified period, and the deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for such a statement or report will be extended to the next regular business day.

(b) **Exceptions.** This extension does not apply to:

- (1) contribution reports required by § 84200, § 84201(b), or § 84203, or the contributor's notice of a late in-kind contribution required by § 84201(a), when the due date for these types of reports falls on a Saturday, Sunday, or official state holiday immediately before an election; and
- (2) independent-expenditure reports required by § 84202 or § 86301.

§ 84405. Combination of Statements. (84205)

The Commission may, by regulation or written advice, permit candidates and committees to file campaign statements combining statements and reports required ~~to be filed~~ by this title.

§ 84400. § 84406. No Exemptions. (84400)

~~Notwithstanding~~Despite any other ~~provision of the~~ law, the Commission ~~shall have~~has no power to exempt ~~any~~a person, including ~~any~~a candidate or committee, from ~~any of the requirements imposed by the provisions of~~ this chapter.

§ 84214. Article 5. Termination.

Committees of Candidate and candidates shall Committee Filing Obligations

§ 84500. Termination. (84214)

~~A committee or candidate must~~ terminate their filing obligation ~~pursuant to under~~ regulations adopted by the Commission ~~which insure. These regulations ensure~~ that a committee or candidate will have no activity ~~which that~~ must be disclosed ~~pursuant to under~~ this chapter ~~subsequent to after~~ the termination. ~~Such These~~ regulations ~~shall will~~ not require the filing of any campaign statements other than those required by this chapter. In no case ~~shall amust an independent-expenditure or major-donor~~ committee ~~which that~~ qualifies solely under ~~subdivision §82012(b) or (c) of Section 82013~~, be required to file any notice of its termination.

§ 84108. Article 6. Slate-Mailer Organizations

§84600. Slate-Mailer Organization; Statement of Organization. (84108)

- (a) ~~Every~~**Requirements.** A slate-mailer organization ~~shall must~~:
- (1) have a treasurer and comply with the requirements of § 83105;
 - ~~(1)(2)~~ (2) file a statement of organization and comply with the requirements of ~~Sections 84100, 84101, 84103, and 84104.~~ § 83102;
 - (3) ~~The~~ amend its statement of organization when required by § 83104; and
 - (4) comply with the recordkeeping requirements in § 83200.
- (b) **Contents of Statement of Organization.** A slate-mailer organization's statement of organization ~~shall must~~ include:
- (1) **Organization's information.** The name, street address, ~~and~~ telephone number, and e-mail address of the organization. ~~In the case of~~
 - (A) If an individual or business entity ~~that~~ qualifies as a slate-mailer organization, the name of the slate-mailer organization ~~shall must~~ include the name by which the individual or entity is identified for entity's legal purposes. Whenever name.
 - ~~(A)(B)~~ (B) If identification of a slate-mailer organization is required by this title, the identification ~~shall must~~ include the full name of the slate-mailer organization as contained in its statement of organization.
 - (2) **Treasurer and principal officers.** The full name, street address, and telephone number of the treasurer and other principal officers.
 - (3) **Decision-makers.** The full name, street address, and telephone number of each person with final ~~decision making~~ decision-making authority as to which candidates or measures will be supported or opposed in the organization's slate mailers.
- (c) **Where and When to File.** The statement of organization ~~shall must~~ be filed with the Secretary of State within 10 days after the slate-mailer organization receives or is promised ~~five hundred dollars (\$500)~~ or more for producing one or more slate mailers. ~~However,~~ If an entity qualifies as a slate-mailer organization within 16 days before ~~the date of~~ an election ~~in for~~ which it is required to file preelection statements, ~~but after the closing date of the last campaign statement required to be filed before the election pursuant to Section 84218,~~ the slate-mailer organization ~~shall must~~ file a statement of organization with the Secretary of State, by ~~facsimile transmission~~ fax, guaranteed overnight delivery, or personal delivery within 24 hours of qualifying as a slate-mailer organization, ~~the information required to be reported in the statement of mailer~~ organization.

§ 84218. Slate § 84601. Slate-Mailer Organization; Contributions and Expenditures.

(82048.4(c))

Reporting Contributions and Expenditures. The production and distribution of slate mailers by a slate-mailer organization will not be considered making contributions or expenditures for § 82012(b) or (c). If a slate-mailer organization makes contributions or expenditures other than by producing or distributing slate mailers and it reports those contributions and expenditures under §§ 84602 and 84603, no additional campaign statements will be required of the slate-mailer organization under § 84100 or § 84101.

§ 84602. Slate-Mailer Organization; Campaign Statements.

(84218)

(a) **Semiannual Statements.** A slate-mailer organization ~~shall~~must file semiannual campaign statements no later than July 31 for the period ending June 30, and no later than January 31, for the period ending December 31.

(b) **Preelection Statements.** In addition to the semiannual statements required by ~~subdivision~~ (a), a slate-mailer ~~organizations which~~organization that produces a slate mailer supporting or opposing candidates or measures being voted on in an election ~~shall~~must file the statements ~~specified in Section 84200.8~~required by § 84102 if, during the period covered by the preelection statement, the slate-mailer organization either:

- (1) received payments totaling ~~five hundred dollars (\$500)~~ or more from any person for the support of or opposition to candidates or ballot measures in one or more slate mailers, ~~or expends five hundred dollars (500) or more to produce one or more slate mailers;~~; or
- (2) expends \$500 or more to produce one or more slate mailers.

~~(b)(c)~~ **Where to File.** A slate-mailer organization ~~shall~~must file two copies of its campaign reports with the clerk of the county in which it is domiciled. A slate-mailer organization is domiciled at the address listed on its statement of organization ~~unless~~. If it is domiciled outside California, ~~in which case its domicile shall be deemed is considered~~ to be Los Angeles County for ~~purposes of~~ this section. A slate-mailer organization must also file campaign reports as follows:

~~In addition, slate-mailer organizations shall file campaign reports as follows:~~

- (1) **State or multi-county.** A slate-mailer organization ~~which that~~ produces one or more slate mailers supporting or opposing candidates or measures voted on in a state election, or in more than one county, ~~shall file campaign reports in the same manner as state general purpose committees pursuant to subdivision (a) of Section 84215~~must file a campaign statement by online or electronic means, as specified in § 84305, and must file the original and one copy of the campaign statement in paper with the Secretary of State.
 - (2) **County.** A slate-mailer organization ~~which that~~ produces one or more slate mailers supporting or opposing candidates or measures voted on in only one county, or in more than one jurisdiction within one county, ~~shall file campaign reports in the same manner as county general purpose committees pursuant to subdivision (c) of Section 84215~~must file the original and one copy with the elections official of that county.
 - (3) **City.** A slate-mailer organization ~~which that~~ produces one or more slate mailers supporting or opposing candidates or measures voted on in only one city ~~shall file campaign reports in the same manner as city general purpose committees pursuant to subdivision (d) of Section 84215~~must file the original and one copy with the clerk of that city and is not required to file with the local elections official of the county in which it is domiciled.
- ~~(e)(d)~~ **Notwithstanding the above, Number of Copies.** ~~Despite (c),~~ no slate-mailer organization ~~shall be~~is required to file more than the original and one ~~copy~~, or two copies, as specified, of a campaign report with any one county or city clerk or with the Secretary of State.

§ 84219. §84603. Slate-Mailer Organization; Semi-Annual Campaign Statements; Contents. Whenever (84219)

When a slate-mailer organization is required to file campaign reports ~~pursuant to Section 84218 under § 84602~~, the campaign report ~~shall~~must include the following information:

- (a) **Total Receipts.** The total amount of receipts during the period covered by the campaign statement and the total cumulative amount of receipts. For ~~purposes of~~ this section only, “receipts” means payments received by a slate-mailer organization for production and distribution of slate mailers.
- (b) **Total Disbursements for Slate Mailers.** The total amount of disbursements made during the period covered by the campaign statement and the total cumulative amount of disbursements. For ~~purposes of~~ this section only, “disbursements” means payment~~payments~~ made by a slate-mailer organization for the production or distribution of slate mailers.
- (c) **Payments from Candidates or Committees.** For each candidate or committee that is a source of receipts totaling ~~one hundred dollars (\$100)~~ or more during the period covered by the campaign statement:
 - (1) the name of the candidate or committee, ~~identification of~~ the jurisdiction and the office sought or ballot measure number or letter, and if the source is a committee, the committee’s identification number, street address, and the name of the candidate or measure on whose behalf or in opposition to which the payment is made-;
 - (2) the date and amount ~~received for of~~ each receipt totaling ~~one hundred dollars (\$100)~~ or more during the period covered by the campaign statement-;
 - (3) the cumulative amount of receipts on behalf of or in opposition to the candidate or measure.
- (d) **Payments from Other Persons.** For each person other than a candidate or committee, who is a source of receipts totaling ~~one hundred dollars (\$100)~~ or more during the period covered by the campaign statement:
 - (1) ~~Identification of~~ the jurisdiction, office, or ballot measure, and name of the candidate or measure on whose behalf or in opposition to which the payment was made-;
 - (2) full name, street address, name of employer, or, if self-employed, name of business ~~of the source of receipts-;~~
 - (3) the date and amount ~~received for of~~ each receipt totaling ~~one hundred dollars (\$100)~~ or more during the period covered by the campaign statement-; and
 - (4) the cumulative amount of receipts on behalf of or in opposition to the candidate or measure.
- (e) **Other Candidates or Measures in Slate Mailer.** For each candidate or ballot measure not reported ~~pursuant to subdivision under~~ (c) or (d), but who was supported or opposed in a slate mailer sent by the slate-mailer organization during the period covered by the report, ~~identification of the~~ jurisdiction, office or ballot measure, and name of the candidate or measure ~~who that~~ was supported or opposed.
- (f) **Total Disbursements.** The total amount of disbursements made during the period covered by the campaign statement to persons who have received ~~one hundred dollars (\$100)~~ or more.
- (g) **Total Unitemized Disbursements.** The total amount of disbursements made during the period covered by the campaign statement to persons who have received less than ~~one hundred dollars (\$100); \$100.~~
- (h) **Itemized Disbursements.** For each person to whom a disbursement of ~~one hundred dollars (\$100)~~ or more has been made during the period covered by the campaign statement:
 - (1) ~~His or her~~the recipient’s full name-;
 - (2) ~~His or her~~the recipient’s street address-;
 - (3) the amount of each disbursement-;
 - (4) a brief description of the consideration for which each disbursement was made-; and
 - (5) the information required in ~~paragraphs (1) to (4), inclusive,~~ for each person, if different from the payee, who has provided consideration for a disbursement of ~~five hundred dollars (\$500)~~ or more during the period covered by the campaign statement.

- (i) **Disbursements to Slate-Mailer Organization Officers.** Cumulative disbursements, totaling ~~one thousand dollars (\$1,000)~~ or more, made directly or indirectly to any person listed in the slate-mailer organization's statement of organization.
- (1) For ~~purposes of~~ this subdivision, a disbursement is made indirectly to a person if it is intended for the benefit of or use by that person or a member of the person's immediate family, or if it is made to a business entity in which the person or member of the person's immediate family is a partner, shareholder, owner, director, trustee, officer, employee, or consultant, or holds any position of management, or in which the person or member of the person's immediate family has an investment of ~~one thousand dollars (\$1,000)~~ or more. ~~This subdivision shall not apply to any disbursement made to a business entity whose securities are publicly traded.~~
- (2) This subdivision does not apply to a disbursement made to a business entity whose securities are publicly traded.
- (j) **Organization's Information.** The full name, street address, and telephone number of the slate-mailer organization and of the treasurer.
- (k) ~~Whenever~~ **General-Purpose Committee.** If a slate-mailer organization also qualifies as a general-purpose committee ~~pursuant to Section 82027.5 under § 82031,~~ the campaign report ~~shall~~ must include, in addition to the information required by this section, the information required by ~~Section 84211~~ § 84300.

§ 84220. § 84605. Slate-Mailer Organization; Late Payments, Received. **(84220)**

- (a) If a slate-mailer organization receives a payment of ~~two thousand five hundred dollars (\$2,500)~~ or more for ~~purposes of~~ supporting or opposing ~~any~~ any candidate or ballot measure in a slate mailer, ~~and on or within 90 days before the payment is received at a time when, if date of the payment were a contribution it would be considered a late contribution, then~~ candidate or measure's election, the slate-mailer organization ~~shall~~ must report the payment in the manner set forth in ~~Section 84203 for candidates and committees when reporting late contributions received. The slate-mailer organization shall, § 84200.~~
- (a)(b) In addition to reporting the information required by ~~Section 84203, § 84200,~~ the slate-mailer organization must identify the ~~candidate~~ candidate or ~~measure~~ measure whose support or opposition is being paid for, in whole or in part, by each late payment.

§ 84221. § 84605. Slate-Mailer Organization; Termination. **(84221)**

~~Slate~~ A slate-mailer ~~organizations shall~~ organization must terminate ~~their~~ its filing obligations in the same manner as ~~applies to recipient~~ committees qualifying under ~~subdivision § 82012(a) of Section 82013.~~

§ 84222. Article 7. Multipurpose Organizations.

- (a) For purposes of this title, "multipurpose organization" means an organization described in Sections 501(e)(3) to 501(e)(10), inclusive, of the Internal Revenue Code and that is exempt from taxation under Section 501(a) of the Internal Revenue Code, a federal or out-of-state political organization, a trade association, a professional association, a civic organization, a religious organization, a fraternal society, an educational institution, or any other association Making Contributions or group of persons acting in concert, that is operating for purposes other than making contributions or expenditures. Expenditures § 84700. Multipurpose organization does not include a business entity, an individual, or a federal candidate's authorized committee, as defined in Section 431 of Title 2 of the United States Code, that is registered and filing reports pursuant to the Federal Election Campaign Act of 1971 (Public Law 92-225).

A multipurpose organization that makes expenditures or contributions and does not qualify as a committee pursuant to subdivision (c) may qualify as an independent expenditure committee or major donor committee if the multipurpose organization satisfies subdivision Organizations; Qualification as Committee. (84222(b) or (c) of Section 82013.)—(c))

- (a) **Recipient Committee.** Except as provided in ~~subparagraph (5)(A) of paragraph (5)~~, a multipurpose organization is a recipient committee within the meaning of ~~subdivision (a) of Section 82013~~ § 82012(a) only under one or more of the following circumstances:
- (1) **Federal or out-of-state committee.** The multipurpose organization is a political committee registered with the Federal Election Commission, except as provided in ~~subdivision (a) of this section~~ § 82055, or a political committee registered with another state, and the multipurpose organization makes contributions or expenditures in this state ~~in an amount equal to or greater than the amount identified in subdivision (a) of Section 82013~~ of \$2,000 or more.
 - (2) **Soliciting funds for expenditures.** The multipurpose organization solicits and receives payments from donors ~~in an amount equal to \$2,000 or more to or greater than the amount identified in subdivision (a) of Section 82013 for the purpose of making~~ make contributions or expenditures.
 - (3) **Accepting funds that may be used for expenditures.** The multipurpose organization accepts payments from donors ~~in an amount equal to or greater than the amount identified in subdivision (a) of Section 82013~~ of \$2,000 or more subject to a condition, agreement, or understanding with the donor that all or ~~a portion~~ some of the payments may be used for making contributions or expenditures.
 - (4) **Subsequent agreement that funds may be used for expenditures.** The multipurpose organization has existing funds from a donor and a subsequent agreement or understanding is reached with the donor that all or ~~a portion~~ some of the funds may be used for making contributions or expenditures ~~in an amount equal to of \$2,000 or greater than the amount identified in subdivision (a) of Section 82013~~ more. The date of the subsequent agreement or understanding is ~~deemed~~ considered to be the date ~~of receipt of~~ the payment is received.
 - (5) **Using general treasury funds.** The multipurpose organization makes contributions or expenditures totaling more than ~~fifty thousand dollars (\$50,000)~~ in a period of 12 months, or more than ~~one hundred thousand dollars (\$100,000)~~ in a period of four consecutive calendar years.
- (A) **Exception; non-donor funds.** A multipurpose organization ~~shall will~~ not qualify ~~as a committee within the meaning of subdivision (a) of Section 82013 pursuant to under~~ this paragraph (5) as a committee as defined in § 82012(a) if the multipurpose organization makes contributions or expenditures using only available ~~nondonor~~ non-donor funds. A multipurpose organization that makes contributions or expenditures with ~~nondonor~~ non-donor funds ~~shall must~~ briefly describe the source of the funds used on its major ~~donor~~ or independent ~~expenditure~~ report.
- (B) **Definition; non-donor funds.** For ~~purposes of this paragraph,~~ “non-donor (5), “non-donor funds” means investment income, including capital gains, or income earned from providing goods, services, or facilities, whether related or unrelated to the multipurpose organization’s program, sale of assets, or other receipts that are not donations.
- (b) **Independent Expenditure or Major Donor Committee.** A multipurpose organization that does not qualify as a recipient committee under (a) but satisfies § 82012(b) or (c) may qualify as an independent-expenditure committee or a major-donor committee.

§ 84701. Multipurpose Organizations; Registration and Reporting. (84222(d)–(f))

- (a) **Federal or Out-of-State Committee.** A multipurpose organization that is a committee ~~pursuant to paragraph (under § 84700(a)(1) of subdivision (c))~~ shall must comply with the registration and reporting requirements of ~~this chapter~~ Chapters 3 and 4, subject to the following:

- (1) The multipurpose organization ~~is need~~ not ~~required to~~ comply with ~~subdivision (k) of Section 84211~~ § 84300(k) for contributions and expenditures made to influence federal or out-of-state elections, which ~~shall must~~ instead be reported as a single expenditure and be described as such on the campaign statement.
- (2) A multipurpose organization registered with the Federal Election Commission is not subject to ~~subdivisions § 84300(d) and (f) of Section 84211~~, but ~~shall must~~ disclose the total amount of contributions received ~~pursuant to subdivision under § 84300(a) of Section 84211~~, and ~~shall must~~ disclose the multipurpose organization's name and identification number registered with the Federal Election Commission on the campaign statement.
- (b) ~~(1) A~~ **Other Multipurpose Organizations.** Any other multipurpose organization that is a committee ~~pursuant to paragraph (under § 84700(a)(2), (3), (4), or (5) of subdivision (c) shall must~~ comply with the registration and reporting requirements of ~~this chapter~~ Chapters 3 and 4, subject to the following, except a multipurpose organization that ~~if the multipurpose organization is the sponsor of a committee as described in subdivision (f) it may report~~ reporting required information on its sponsored committee statement ~~pursuant to subdivision (f) under (c):~~
 - (1) **Register.** The multipurpose organization ~~shall must~~ register in the calendar year in which it satisfies any of the criteria in ~~subdivision (c) § 84700(a).~~
 - (2) **Statement of Organization.** The statement of organization filed ~~pursuant to Section 84101 shall~~ under § 83102 must:
 - (A) indicate that the organization is filing ~~pursuant to under~~ this section as a multipurpose organization ~~and;~~
 - (B) state the organization's nonprofit tax-exempt status, if any. ~~The statement of organization shall also; and~~
 - (A)(C) describe the organization's mission or most significant activities; and ~~describes specifically~~ the organization's political activities. A multipurpose organization may comply with the requirement to describe the mission or significant activities and political activities by ~~referenceing stating~~ where the organization's Internal Revenue Service Return of Organization Exempt From Income Tax form may be accessed.
 - (3) ~~Except as provided in this subparagraph.~~ **Automatic termination.** The registration of a multipurpose organization that meets the criteria of ~~paragraph (§ 84700(a)(5) of subdivision (c) shall will~~ terminate automatically on December 31 of the calendar year in which the multipurpose organization is registered. ~~except as provided in this paragraph.~~
 - (B)(A) The multipurpose organization ~~shall will~~ not be required to file a semiannual statement ~~pursuant to subdivision under § 84100(b) of Section 84200~~, unless the multipurpose organization has undisclosed contributions or expenditures to report, in which case termination ~~shall occur automatically upon filing the semiannual statement that is due no later than January 31. After the multipurpose organization's registration has terminated, the multipurpose organization's reporting obligations are complete, unless the organization qualifies as a committee for purposes of subdivision (a) of Section 82013 again in the following calendar year pursuant to subdivision (c) of this section. Notwithstanding this subdivision, a multipurpose organization may elect to remain registered as a committee by submitting written notification to the Secretary of State prior to the end of the calendar year will occur automatically on filing the semiannual statement that is due no later than January 31.~~
 - (B) ~~A multipurpose~~ After the multipurpose organization's registration has terminated, the multipurpose organization's reporting obligations are complete unless the organization shall qualifies as a recipient committee under § 82012(a), again in the following calendar year under § 84700(a).
 - (C) Despite this subdivision, a multipurpose organization may elect to remain registered as a committee by submitting written notice to the Secretary of State before the end of the calendar year.

- ~~(2)~~(4) **Report donations specifically for expenditures at \$100 threshold, then LIFO donors.** A multipurpose organization must report the receipt of all contributions received that satisfy the criteria of paragraph ~~(§ 84700(a)(2), (3), or (4) of subdivision (e) of this section~~ in the manner required by subdivision ~~§ 84300(f) of Section 84211,~~ and for the balance of its contributions or expenditures shall must further report contributors based on a last-in, first-out accounting method.
- ~~(3)~~(5) **Report LIFO donors to general treasury at \$1,000 threshold.** A multipurpose organization reporting pursuant to under this subdivision shall must disclose total contributions received in an amount equal to the multipurpose organization's total contributions and expenditures made in the reporting period. When a multipurpose organization reports donors based on the last-in, first-out accounting method, it shall must attribute to and include the information required by subdivision ~~§ 84300(f) of Section 84211~~ for any donor who donates one thousand dollars (~~(\$1,000)~~) or more in a calendar year, except for the following:
- (A) a donor who designates or restricts the donation for purposes other than contributions or expenditures;
 - (B) a donor who prohibits the multipurpose organization's use of its donation for contributions or expenditures; and
 - (C) a private foundation, as defined by subdivision ~~(a) of Section 509 of the Internal Revenue Code, § 509(a),~~ that provides a grant that does not constitute a taxable expenditure for purposes of paragraph ~~(1) or (2) of subdivision (d) of Section 4945 of the Internal Revenue Code, § 4945(d)(1)–(2).~~
- ~~(4)~~(6) **Prior year expenditures.** A multipurpose organization that qualifies as a committee pursuant to paragraph ~~(under § 84700(a)(5) of subdivision (e) shall is~~ not be required to include contributions or expenditures made in a prior an earlier calendar year on the reports filed for the calendar year in which the multipurpose organization qualifies as a committee.
- ~~(5)~~(7) **Effective date; LIFO donor reporting.** If a multipurpose organization qualifies as a committee solely pursuant to paragraph ~~(5) of subdivision (e under § 84700(a)(5) and the committee is required to report donors based on a last-in, first-out accounting method pursuant to paragraph (1 under (b), the multipurpose organization shall is~~ not be required to disclose donor information for a donation received by the multipurpose organization prior to before July 1, 2014. This paragraph shall does not apply with respect to a donation made by a donor who knew that the multipurpose organization would use the donation to support or oppose a candidate or ballot measure in the state by requesting that the donation be used for that purpose or by making the donation in response to a message or solicitation indicating the multipurpose organization's intent to use the donation for that purpose.
- ~~(6)~~(8) **Disclosing funds moving from one multipurpose organization to another.** A contributor identified and reported in the manner provided in subparagraph ~~(C) of paragraph (1(4) that is a multipurpose organization and receives contributions that satisfy the criteria in subdivision (e) shall be § 84700(a) is~~ subject to the requirements of this subdivision.
- ~~(7)~~(9) **Notice and filing deadlines.** The Commission shall will adopt regulations establishing notice requirements and reasonable filing deadlines for donors reported as contributors based on the last-in, first-out accounting method.
- (c) **Multipurpose Organization Reporting on Sponsored Committee's Statement.** A multipurpose organization that is the sponsor of a committee as defined in ~~Section 82048.7 § 82070,~~ that is a membership organization, that makes all of its contributions and expenditures from funds derived from dues, assessments, fees, and similar payments that do not exceed ten thousand dollars (~~(\$10,000)~~) per calendar year from a single source, and that elects to report its contributions and expenditures on its sponsored committee's campaign statement pursuant to paragraph ~~(1) of subdivision (e) shall must~~ report as follows:
- (1) The sponsored committee shall must report all contributions and expenditures made from the sponsor's treasury funds on statements and reports filed by the committee. The sponsor shall must

use a last-in, first-out accounting method and disclose the information required by ~~subdivision (f) of Section 84211~~ § 84300(f) for any person who pays dues, assessments, fees, or similar payments of ~~one thousand dollars (\$1,000)~~ or more to the sponsor's treasury funds in a calendar year and ~~shall~~ must disclose all contributions and expenditures made, as required by ~~subdivision (k) of Section 84211,~~ on the sponsored committee's campaign statements.

- (2) The sponsored committee ~~shall~~ must report all other contributions and expenditures in support of the committee by the sponsor, its intermediate units, and the members of those entities. A sponsoring organization makes contributions and expenditures in support of its sponsored committee when it provides the committee with money from its treasury funds, with the exception of establishment or administrative costs. ~~With respect to~~ For dues, assessments, fees, and similar payments channeled through the sponsor or an intermediate unit to a sponsored committee, the original source of the dues, assessments, fees, and similar payments is the contributor.
- (3) A responsible officer of the sponsor, ~~as well as~~ and the treasurer of the sponsored committee, ~~shall~~ must verify the committee's campaign statement ~~pursuant to Section 81004~~ in compliance with § 84400.
- (d) **Last-In, First-Out Accounting Method.** For ~~purposes of~~ this section, "last-in, first-out accounting method" means an accounting method by which contributions and expenditures are attributed to the multipurpose organization's contributors in reverse chronological order beginning with the most recent of its contributors or, if there are any prior contributions or expenditures, beginning with the most recent contributor for which unattributed contributions remain.

§ 84225- § 84702. Publicly Funded Nonprofit Organizations

(84222.5 new legislation AB 2318 2016)

- (a) **Separate Accounts.** A publicly funded nonprofit organization that makes contributions or expenditures, either directly or through the control of another entity, must deposit into a separate bank account all funds that will be used to make contributions and expenditures, and those contributions and expenditures must come from that separate bank account.
- (b) **Criteria for Recipient-Committee Status.** In addition to § 84700(a) and (b), a publicly funded nonprofit organization is a recipient committee under § 82012(a) if:
 - (1) it makes contributions or expenditures totaling \$50,000 or more related to statewide candidates or ballot measures, or makes contributions or expenditures totaling \$2,500 or more related to local candidates or ballot measures, either directly or through the control of another entity, during the prior quarter; or
 - (2) by January 31 of each odd-numbered year, it makes contributions or expenditures totaling \$100,000 or more related to statewide candidates or ballot measures or makes contributions or expenditures totaling \$10,000 or more related to local candidates or ballot measures, either directly or through the control of another entity, during the previous two years.
- (c) **Registration and Reporting.** If a publicly funded nonprofit organization qualifies as a recipient committee under (b), it must comply with the registration and reporting requirements of § 84701.
- (d) **Required Disclosures.** Each publicly funded nonprofit organization that makes contributions or expenditures, either directly or through the control of another entity, must give the Commission, and display on the organization's website, the information it is required to disclose under this section. The information must be clearly described and identified on a separate webpage that is linked from the organization's homepage. The link to this separate webpage from the homepage must be as visible as all similar links.
- (e) **Audits.** The Commission may require an audit of a publicly funded nonprofit organization that is required to give the Commission records under this section. The Commission must require an audit of any publicly funded nonprofit organization that makes contributions or expenditures over \$500,000 in

a calendar year. The publicly funded nonprofit organization must provide records to the Commission to substantiate the information required to be disclosed by this section.

(f) **Fines.** At the end of an audit, if the Commission determines that a publicly funded nonprofit organization has violated this section, the Commission, the Attorney General, or the district attorney for the county in which the organization is domiciled may fine the organization up to \$10,000 for each violation.

(g) **Definitions.** The definitions in § 54964.5(b) apply to this section.

Article 8. Public Employees' Retirement Board and Teachers' Retirement Board Candidates.

The provisions of § 84800. Public Employees' Retirement Board and Teachers' Retirement Board Candidates. (84225)

This title ~~apply~~applies to candidates for election to the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board, and to committees primarily formed or existing primarily to support or oppose those candidates. The Commission may adopt regulations to ~~tailor~~modify the reporting and disclosure requirements for these candidates and committees consistent with ~~the purposes and provisions of this title~~ and its purposes.

§ 84200.9. § 84801. Time for Filing Preelection Statements for Candidates for the Board of Retirement Board. (84200.9)

Administration of the Public Employees' Retirement System and Teachers' Retirement Board. Preelection statements for an election ~~period for to~~ the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board ~~shall~~must be filed as follows:

- (a) For the period ending five days before the beginning of the ballot period, as determined by the relevant board, a statement ~~shall~~must be filed no later than two days before the beginning of the ballot period.
- (b) For the period ending five days before the deadline to return ballots, as determined by the relevant board, a statement ~~shall~~must be filed no later than two days before the deadline to return ballots.
- (c) In the case of a runoff election, for the period ending five days before the deadline to return runoff ballots, as determined by the relevant board, a statement ~~shall~~must be filed no later than two days before the deadline to return runoff ballots.
- (d) All candidates being voted ~~upon on~~, their controlled committees, and committees primarily formed to support or oppose a candidate being voted ~~upon on~~ in that election ~~shall~~must file the statements specified in ~~subdivisions~~(b) and (c) by guaranteed overnight delivery ~~service or~~ by personal delivery.

§ 84250. Article 9. LAFCO-Proposal Requirements

§ 84900. Applicability to LAFCO Proposals. (84250)
~~Except as provided in § 84902~~, all requirements of this title applicable to a measure, as defined in ~~Section 82043~~§ 82054, also apply to a LAFCO proposal, as defined in ~~Section 82035.5~~, ~~except as set forth in Section 84252~~§ 82042.

§ 84251. § 84901. Payment for Political Purposes. **(84251)**

A payment made for “political purposes,” as that term is used in Sections 82015 and 82025, includes a payment made for the purpose of influencing to influence or attempting attempt to influence the actions of voters or a local agency formation commission LAFCO for or against the qualification, adoption, or passage of a LAFCO proposal, is made for “political purposes” under §§ 82014 and 82026.

§ 84252. § 84902. Campaign Reporting. **(84252)**

A committee primarily formed to support or oppose a LAFCO proposal shall must file all statements required under this chapter except that, in lieu of the Chapters 3 and 4, but instead of the semiannual and quarterly statements required by Sections 84200 §§ 84100 and 84202.384103, the committee shall must file monthly campaign statements from the time circulation of a petition begins is circulated until a measure is placed on the ballot or, if a measure is not placed on the ballot, until the committee is terminated pursuant to Section 84214. under § 84500. The committee shall must file an original and one copy of each statement on the 15th day of each calendar month, covering the prior calendar month, with the clerk of the county in which the measure may be voted on. If the petition results in a measure that is placed on the ballot, the committee thereafter shall must file campaign statements required by this chapter Chapters 3–4.

(a) In addition to any other statements required by this chapter, a committee that makes independent expenditures in connection with a LAFCO proposal shall file statements pursuant to Section 84203.5.

§ 84300. Cash and In-Kind Contributions; Cash Expenditures.

Chapter 5. Contributions, Limits, and Loans (§ 85100–§ 85702)

Article 1. Disclosing Source of Contributions

§ 85100. No Cash Contributions or Expenditures of \$100 or More; Value of In-Kind Contribution. **(84300)**

(a) **Contributions.** No contribution of one hundred dollars (\$100) or more shall may be made or received in cash.

(1) A cash contribution shall is not be deemed considered received if it is not negotiated or deposited and is returned to the contributor before the closing date of the campaign statement on which the contribution would otherwise be reported. If a cash contribution, other than a late contribution, as defined in Section 82036, is negotiated or deposited, it shall not be deemed received if it is refunded within 72 hours of receipt. In the case of a late contribution, as defined in Section 82036, it shall not be deemed received if it is returned to the contributor within 48 hours of receipt. it would otherwise be reported.

(2) Except a “late contribution” as defined in § 82043, if a cash contribution is negotiated or deposited, it will not be considered received if it is refunded within 72 hours of receipt.

(3) A “late contribution” is not considered received if it is returned to the contributor within 48 hours of receipt.

(b) **Expenditures.** No expenditure of one hundred dollars (\$100) or more shall may be made in cash.

(c) **No Form of Contributions.** A contribution of one hundred dollars (\$100) or more other than, except an in-kind contribution shall, must be made unless:

(1) in the form of a written instrument containing the name of the donor and the name of the payee; and

(2) drawn from the account of the donor or the intermediary, ~~as defined in Section 84302 under~~ § 85103.

~~(e)(d)~~ **In-Kind Contributions.** The value of all in-kind contributions of ~~one hundred dollars (\$100)~~ or more ~~shall~~must be reported in writing to the recipient ~~upon the request in writing of~~ if the recipient requests it in writing.

§ 84304. § 85101. Anonymous Contributions; Prohibition. **(84304)**

~~No~~A person ~~shall~~must not make an anonymous contribution or contributions ~~totaling \$100 or more~~ to a candidate, committee, or ~~any other~~another person ~~totaling one hundred dollars (\$100) or more~~ in a calendar year. An anonymous contribution of ~~one hundred dollars (\$100)~~ or more ~~shall~~must not be kept ~~by the intended recipient but instead shall be and must be paid~~ promptly ~~paid~~ to the Secretary of State for deposit in the ~~General Fund of the state~~State's general fund.

§ 84301. § 85102. Contributions Must Be Made Under Contributor's Legal Name. **(84301)**

~~No~~A contribution ~~shall~~must not be made, directly or indirectly, by ~~any~~a person in a name other than the ~~name by which such person is identified for~~person's legal purposesname.

§ 84302. § 85103. Contributions by Intermediary or Agent. **(84302)**

(a) ~~No person shall~~**Disclose Both Intermediary and Contributor.** A person ~~must not~~ make a contribution on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the contribution both ~~his own full name and street address, occupation, and the name of his employer, if any, or his principal place of business if he is self-employed, and the full name and street address, occupation, and the name of employer, if any, or principal place of business if self-employed, of the other person.~~ The recipient of the contribution shall include in his campaign statement the full name and street address, occupation, and the name of the employer, if any, or the principal place of business if self-employed, of both the intermediary and the contributor.;

~~(1) § 85704. the person's full name, street address, occupation, and name of employer, if any, or if self-employed, the principal place of business; and~~

~~(2) the contributor's full name, street address, occupation, and name of employer, if any, or if self-employed, the principal place of business.~~

(b) Report Both Intermediary and Contributor. The recipient of the contribution must include the information required under (a)(1) and (a)(2) in the appropriate campaign statement.

§ 85104. Prohibition on Earmarking. **(85704)**

~~A~~Unless it is fully disclosed in accordance with § 85103, a person ~~may~~must not make ~~any~~a contribution to a committee on the condition or with the agreement that it will be contributed to ~~any~~a particular candidate ~~unless the contribution is fully disclosed pursuant to Section 84302.~~

§ 85701. § 85105.

Laundered

Contributions.

(85701)

~~Any~~ candidate or committee that receives a contribution in violation of ~~Section 84301 shall~~ § 85102 ~~must pay to the General Fund of the state the amount of the contribution~~ amount to the State's general fund.

§ 85300. Article 2. Prohibitions on Contributions

§ 85200. Public Funds; Prohibition. **(85300 and new legislation SB 1107-2016)**

(a) ~~No~~ **Prohibition.** Except as provided in subdivision (b), a public officer ~~shall~~ must not expend, and ~~no~~ candidate ~~shall~~ must not accept ~~any~~ public moneys for the purpose of seeking elective office.

(b) ~~§ 84309. Exception.~~ A public officer or candidate may expend or accept public moneys for the purpose of seeking elective office if the state or a local governmental entity establishes a dedicated fund for this purpose by statute, ordinance, resolution, or charter, and both of the following are true:
(1) Public moneys held in the fund are available to all qualified, voluntarily participating candidates for the same office without regard to incumbency or political party preference.
(2) The state or local governmental entity has established criteria for determining a candidate's qualification by statute, ordinance, resolution, or charter.

§ 85201. Transmittal of Campaign Contributions in State Office Buildings; Prohibition.

(84309)

- (a) ~~No~~ A person ~~shall~~ must not receive ~~or~~, personally deliver, or attempt to deliver a contribution in the State Capitol, ~~in any~~ state office building, or ~~in any~~ office ~~for which~~ where the state pays the majority of the rent ~~other than, except for~~ a legislative district office.
- (b) ~~For purposes of~~ Under this section:
- (1) "Personally deliver" means ~~delivery of to~~ deliver a contribution in person or ~~causing~~ cause a contribution to be delivered in person by an agent or intermediary.
 - (2) "Receive" includes the receipt of a campaign contribution delivered in person.

§ 84307. § 85202. No Commingling Contributions with Personal Funds. **(84307)**

~~No~~ A contribution ~~shall~~ must not be commingled with the personal funds of the recipient or any other person.

§ 85702. § 85203. Prohibition on Contributions from Lobbyists to State Candidates. **(85702)**

- a) ~~An elected State Officer or Candidate for.~~ An elected state officer or candidate for elective state office ~~may~~ must not accept a contribution from a lobbyist, ~~and~~.
- a) ~~b) Lobbyist.~~ A lobbyist ~~may~~ must not make a contribution to an elected state officer or candidate for ~~elected~~ elective state office, if that lobbyist is registered to lobby the governmental agency ~~for which~~ that the candidate is seeking election to or ~~the governmental agency of in which~~ the elected state officer serves.

~~§ 85320~~ **§ 85204. Foreign Entities: No Contributions or Expenditures on Ballot Measures.**

~~(a) — No~~ **(85320)**

- (a) **Prohibition on Making.** A foreign government or foreign principal ~~shall~~**must not** make, directly or through ~~any other~~**another** person, ~~any~~**a** contribution, expenditure, or independent expenditure in connection with ~~the qualification or support of, or opposition to, any~~**qualifying, supporting, or opposing** a state or local ballot measure.
- (b) ~~(b) No~~**Prohibition on Accepting.** A person ~~and~~**nor** committee ~~shall~~**must not** solicit or accept a contribution from a foreign government or foreign principal in connection with ~~the qualification or support of, or opposition to, any~~**qualifying, supporting, or opposing** a state or local ballot measure.
- (c) ~~(c) For the purposes of~~**Foreign Principal.** Under this section, a “foreign principal” includes ~~the following:~~
- (1) ~~(1) —~~ a foreign political party;
 - (2) ~~(2) —~~ A person outside the United States, unless ~~either of the following is established:~~**the**
 - (A) ~~The person:~~
 - (A) is an individual and ~~a~~**U.S.** citizen ~~of the United States;~~ or
 - (B) ~~The person is not an individual~~**has its principal place of business within the United States** and is organized under or created by the laws of the United States or of any ~~state or other~~ place subject to the jurisdiction of the United States ~~and has its principal place of business within the United States.~~
 - (3) ~~(3) —~~ a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country; **or**
 - (4) ~~(4) —~~ a domestic subsidiary of a foreign corporation if the decision to contribute or expend funds is made by an officer, director, or management employee of the foreign corporation who is ~~neither~~**not** a **U.S.** citizen ~~of the United States nor~~ or a lawfully admitted permanent resident of the United States.
- (d) ~~(d) Lawful Permanent Resident.~~ This section ~~shall~~**does** not prohibit a contribution, expenditure, or independent expenditure made by a lawfully admitted permanent resident.
- (e) ~~(e) Any person who violates~~**Penalties.** A violation of this section ~~shall be guilty of~~**is** a misdemeanor and ~~shall be fined~~**subject to a fine in** an amount equal to the amount contributed or expended.

~~§ 84306~~ **Article 3. Receiving and Returning Contributions.**

§ 85300. Contributions Received by Agents of Candidates or Committees: Report Promptly. **(84306)**

- (a) ~~All contributions~~**Reporting.** A contribution received by a person acting as ~~an~~**a** candidate’s agent ~~of a candidate shall~~**must** be reported promptly to the candidate or any of ~~his or her~~**the candidate’s** designated agents. ~~All contributions~~**A contribution** received by a person acting as ~~an~~**a** committee’s agent ~~of a committee shall~~**must** be reported promptly to the committee’s treasurer or any of ~~his or her~~**the treasurer’s** designated agents.
- (b) ~~“Promptly” as used in.~~ **“Promptly” under** this section means ~~not~~**no** later than the closing date of any campaign statement the ~~candidate or~~ committee ~~or candidate for whom~~**receiving** the contribution ~~is intended~~ is required to file.

~~§ 85319~~ **§ 85301. Returning Contributions.** **(85319)**

A candidate for ~~state~~ elective office may return all or part of ~~any~~**a** contribution to the donor ~~who made the contribution~~ at any time, **regardless of** whether ~~or not~~ other contributions are returned, ~~except.~~ **But** a

contribution that the candidate made ~~for state elective office~~ to his or her own controlled committee for elective office cannot be returned.

§ 85700. § 85302. Returning Contributions Lacking Donor Information Requirements; Return. (85700)

Record of Donor. A candidate or committee must return a contribution of ~~Contributions.~~

- (a) ~~A candidate or committee shall return not later than 60 days of receipt by the candidate or committee any contribution of one hundred dollars (\$100) or more for which if the candidate or committee does not have on file in, within 60 days of receipt, a record of the records of the candidate or committee the contributor's name, address, occupation, and employer of the contributor.~~
- (b) **Timing.** A candidate or committee may return a contribution ~~pursuant to subdivision under~~ (a) after the date ~~that the candidate or committee has it was~~ reported ~~the contribution under any provision of~~ this title.

§ 84216. Loans.

Notwithstanding Section 82015 Article 4. Loans

§ 85400. Loans as Contributions; Loans of Campaign Funds Made by a Candidate or Committee. (84216, 84216.5)

- (a) **Receiving a Loan.** ~~Despite § 82014,~~ a loan received by a candidate or committee is a contribution unless the loan is received from a commercial lending institution in the ordinary course of business, or it is clear from the surrounding circumstances that it is not made for political purposes. Receipt of a loan, whether or not there is a written contract for the loan, must be reported under § 84300 when the loan is:
- (a) ~~A loan, whether or not there is a written contract for the loan, shall be reported as provided in Section 84211 when any of the following apply:~~
- (1) ~~The loan is a contribution;~~
 - (2) ~~The loan is received by a committee;~~ or
 - (3) ~~The loan is received by a candidate and is used for political purposes.~~

§ 84216.5. Loans Made by a Candidate or Committee.

- (b) **Making a Loan.** A loan of campaign funds, whether or not there is a written contract for the loan, made by a candidate or committee ~~shall~~ must be reported ~~as provided in Section 84211~~ in accordance with § 84300.

§ 85307. Loans.

§ 85401. Limit on State Candidate's Loans to Own Campaign. (85307)

- (a) **Commercial Lending.** The provisions of this ~~article~~ title regarding loans apply to extensions of credit, but ~~do not apply~~ to loans made to a candidate by a commercial lending institution in the lender's regular course of business on terms available to ~~members of~~ the general public and for which the candidate is personally liable.
- (b) ~~Notwithstanding subdivision~~ **Personal-Loan Limit.** ~~Despite~~ (a), a candidate for elective state office may ~~must~~ not personally loan ~~to his or her campaign, including the proceeds of a loan obtained by the candidate from a commercial lending institution,~~ an amount, for which the outstanding balance ~~of~~

~~which exceeds one hundred thousand dollars (\$100,000), including proceeds of a loan the candidate obtains from a commercial lending institution.~~

- ~~(b)(c) **No Interest.** A candidate may for elective state office must not charge interest on any loan ~~he or she made~~ the candidate makes to his or her own campaign.~~

~~§ 85301.~~ **Article 5. Contribution Limits**

§ 85500. Limits on Contributions from Persons; to State Candidates. (85301)

- ~~(a) A person, **Contribution Limits.** The limit on contributions that a person (other than a small-contributor committee or political-party committee, ~~may not~~) can make to any candidate for elective state office ~~other than a candidate for statewide elective office~~, and the limit on contributions a candidate for elective state office ~~other than a candidate for statewide elective office may not can~~ accept from a person, ~~any contribution totaling more than three thousand dollars (\$3,000) per election.~~~~
- ~~(a) **Except to a candidate for Governor, a person,** (other than a small-contributor committee or a political-party committee, ~~may not make to any candidate for statewide elective office~~, and ~~except a candidate for Governor, a candidate for statewide elective office may not accept from a person other than a small-contributor committee or a political-party committee, any contribution totaling more than five thousand dollars (\$5,000) per election~~) are as follows.~~
- ~~(b) A person, other than a small-contributor committee or political-party committee, may not make to any candidate for Governor, and a candidate for governor may not accept from any person other than a small-contributor committee or political-party committee, any contribution totaling more than twenty thousand dollars (\$20,000) per election.~~
- ~~(1) **The provisions of** For a candidate for State Legislature: \$3,000 per election.~~
- ~~(2) For a candidate for statewide elective office other than Governor: \$5,000 per election.~~
- ~~(3) For a candidate for Governor: \$20,000 per election.~~
- ~~(b) **Personal Funds.** This section ~~dedoes~~ not apply to a candidate's contributions of his or her personal funds to his or her own campaign.~~

§ 85302. § 85501. Limits on Contributions from Small-Contributor Committees; to State Candidates. (85302)

~~A-The limit on contributions that a small-contributor committee ~~may not can~~ make to any candidate for elective state office ~~other than a candidate for statewide elective office~~, and a candidate for elective state office, ~~other than~~ and the limit on contributions that a candidate for ~~statewide~~-elective state office ~~may not can~~ accept from a small-contributor committee, ~~any contribution totaling more than six thousand dollars (\$ are as follows.~~~~

- ~~(a) For a candidate for State Legislature: \$6,000) per election.~~
- ~~(b) **Except to** For a candidate for Governor, a small-contributor committee may not make to any candidate ~~for~~ statewide elective office ~~and except other than Governor: \$10,000 per election.~~~~
- ~~(b)(c) For a candidate for Governor, a candidate for statewide elective office may not accept from a small-contributor committee, any contribution totaling more than ten thousand dollars (\$10,000); \$20,000 per election.~~
- ~~(a) A small-contributor committee may not make to any candidate for Governor, and a candidate for governor may not accept from a small-contributor committee, any contribution totaling more than twenty thousand dollars (\$20,000) per election.~~

§ 85303. § 85502. Limits on Contributions to Committees and Political Parties. Party Committees.

A- (85303)

- (a) **Committee Limit.** The limit on contributions that a person ~~may not can~~ make to ~~any~~ committee, other than that is not a political-party committee, and the limit on contributions such a committee other than a political-party committee ~~may not can~~ accept, ~~any contribution totaling more than five thousand dollars (\$is \$5,000)~~ per calendar year for the purpose of making contributions to candidates for elective state office.
- (b) **A Political-Party Committee Limit.** The limit on contributions that a person ~~may not can~~ make to ~~any~~ political-party committee, and the limit on contributions a political-party committee ~~may not can~~ accept, ~~any contribution totaling more than twenty-five thousand dollars (\$is \$25,000)~~ per calendar year for the purpose of making contributions for the support or defeat of candidates for elective state office. ~~Notwithstanding Section 85312~~ Despite § 85504, this limit applies to contributions made to a political party used for ~~the purpose of~~ making expenditures, at the ~~behest~~ request of or in cooperation with a candidate for elective state office, for communications to party members related to the candidate's candidacy for elective state office.
- (c) **Contributions for Other Purposes.** Except ~~as provided in Section 85310~~ under § 85505, nothing in this chapter ~~shall limit~~ limits a person's contributions to a committee or political-party committee ~~provided if~~ the contributions are used for purposes other than making contributions to candidates for elective state office.
- (d) **Nothing in Transfer of Surplus Funds to Political Party.** This chapter ~~limits~~ does not limit a candidate for ~~elected~~ elective state office from transferring contributions received by the candidate in excess of any amount necessary to defray the candidate's expenses for election-related activities or holding office to a political-party committee, ~~provided if~~ those transferred contributions are used for purposes consistent with ~~paragraph (4) of subdivision § 86212(b) of Section 89519.~~ (4).

§ 83124. § 85503. Cost-of-Living Adjustment. **(83124)**

The Commission ~~shall will~~ adjust the contribution ~~limitations~~ limits and voluntary-expenditure ~~limitations~~ provisions in Sections 85301, 85302, 85303 limits under §§ 85500, 85501, 85502, and 85400 86100 in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. ~~Those adjustments shall be~~ The limits are adjusted from the base year of 2000 and are rounded to the nearest one hundred dollars (\$100) for limitations on contributions and one thousand dollars (\$contribution limits and \$1,000) for limitations on expenditures expenditure limits.

§ 85312. § 85504. Communications to Members of an Organization. **(85312)**

- (a) **For purposes of Not Contributions or Expenditures. Under** this title, payments for communications to members, employees, shareholders, or families of members, employees, or shareholders of an organization for the purpose of supporting or opposing a candidate or a ballot measure are not contributions or expenditures, ~~provided if~~ if those payments are not made for general public advertising such as broadcasting, billboards, ~~and or~~ and newspaper advertisements. ~~However, payments made by a political party for communications to a member who is registered as expressing a preference for that party on his or her affidavit of registration pursuant to Sections 2150, 2151, and 2152 of the Elections~~

Code that would otherwise qualify as contributions or expenditures shall be reported in accordance with Article 2 (commencing with Section 84200) of Chapter 4, and Chapter 4.6 (commencing with Section 84600), of this title.

- (b) ~~§ 85310. Political Party Communications to Members - Reportable.~~ But payments made by a political party for communications to members who are registered as expressing a preference for that party on their affidavit of registration under Elections Code §§ 2150, 2151, and 2152, which would otherwise qualify as contributions or expenditures, must be reported in accordance with Chapter 4 (beginning with § 84100) of this title.

§ 85505. Electioneering Communications Identifying State Candidates; Reporting; Contribution Limit. (85310)

- (a) ~~Any~~**Making Payment.** A person who makes a payment or a promise of payment totaling ~~fifty thousand dollars (\$50,000)~~ or more for a communication that is disseminated, broadcast, or otherwise published within 45 days before an election and that clearly identifies a candidate for elective state office, ~~—~~but does not expressly advocate the election or defeat of the candidate, ~~and that is disseminated, broadcast, or otherwise published within 45 days of an election, shall —~~must, within 48 hours of making the payment or the promise to make the payment, file a report online or electronically with the Secretary of State ~~a report~~ disclosing the person's ~~name of the person,~~ address, occupation, and employer, and the amount of the payment. ~~The report shall be filed within 48 hours of making the payment or the promise to make the payment.~~
- (b) ~~(1) Except as provided in paragraph (2), if any person has received~~**Receiving Payment.**
- (1) ~~A person who receives~~ a payment or a promise of a payment from ~~other persons~~another totaling ~~five thousand dollars (\$5,000)~~ or more ~~for the purpose of making to make~~ a communication described in ~~subdivision (a), the person receiving the payments shall~~(a) must disclose on the report the other person's name, address, occupation, and employer, and date and amount received from the other person.
- (2) A person who receives or is promised a payment that is otherwise reportable under ~~paragraph (1) is~~needs not ~~required to~~ report the payment if the person is in the business of providing goods or services and receives or is promised ~~the payment for the purpose of providing to provide~~ those goods or services.
- ~~(b)(c)~~ **Any Contribution Limit.** A payment received by a person who makes a communication described in ~~subdivision (a)~~ is subject to the limits ~~specified in subdivision § 85502(b) of Section 85303~~ if the communication is made at the ~~behest request~~ of or in cooperation with the clearly identified candidate.

§ 85305. Restrictions § 85506. Limits on Contributions by State Candidates. (85305)

A candidate for elective state office or a committee controlled by that candidate ~~may~~must not make ~~any~~ contribution ~~to any other over the limits in § 85500(a)(1) to another~~ candidate for elective state office ~~in excess of the limits set forth in subdivision (a) of Section 85301.~~

§ 85308. Family § 85507. Spouses' Contributions, Separate; Under 18 Presumed Aggregated. (85308)

- (a) **Spouses.** Contributions made by ~~a husband and wife may~~spouses must not be aggregated.

- (b) **Child.** A contribution made by a child under 18 years of age is presumed to be a contribution from the child's parent or guardian ~~of the child.~~

§ 85318. § 85508. Contributions Received for Primary and General Elections. **(85318)**

- (a) **Fundraising for Both Elections.** A candidate for elective state office may raise contributions for a general election ~~prior to before~~ the primary election, ~~and for a special general election prior to a special primary election,~~ for the same elective state office if the candidate sets aside these contributions and uses ~~these contributions~~ them for the general election ~~or special general election.~~
- (b) **Refunding General-Election Contributions.** If the candidate for elective state office is defeated in the primary election ~~or special primary election,~~ or otherwise withdraws from the general election ~~or special general election,~~ the general ~~election or special general~~ election funds ~~shall, except for expenses associated with raising and administering the general-election contributions, must be refunded to the contributors on a pro rata basis less any expenses associated with.~~ shall, except for expenses associated with raising and administering the general-election contributions, must be refunded to the contributors on a pro rata basis.
- (a)(c) **Separate Accounts.** ~~Despite the raising and administration of general election or special general election contributions. Notwithstanding Section 85204 one-bank-account-per-election rule of § 83101,~~ candidates for elective state office may establish separate campaign-contribution accounts for the primary and general elections ~~or special primary and special general elections.~~

§ 85204.5. Special Election Cycle and Special Runoff Election Cycle.

With respect to special elections, the following terms have the following meanings:

- (d) **Special Elections.** For purposes of this section:
- (1) general election cycle means the day on which the office becomes vacant until the day of the ~~includes a special runoff election; and~~
- (2) primary election includes a special election.
- (a) ~~“Special runoff election cycle” means the day after the special election until the day of the special runoff election.~~

§ 85314. § 85509. Special Elections and Special Runoff Elections as Separate Elections.

(85314, 85204.5)

- (a) **Limits Apply.** The contribution limits of this chapter apply to special elections and ~~apply to~~ special runoff elections. A special election and a special runoff election are separate elections for ~~purposes of~~ the contribution and voluntary-expenditure limits ~~set forth in of~~ this ~~chapter~~ title.
- (b) **§ 85316. Time Periods.** For special elections:
- (1) “special-election cycle” means the time period beginning on the day when the office becomes vacant and ending on the day of the special election; and
- (2) “special-runoff-election cycle” means the time period beginning on the day after the special election and ending on the day of the special runoff election.

Article 6. Post-Election Fundraising Restrictions; ~~State Officeholder Accounts~~ Transfer of Contributions.

Except as provided in subdivision (b), a contribution for an election may be accepted by § 85600. Post-Election Fundraising Restrictions. (85316(a))

A candidate for elective state office ~~may accept a contribution for an election~~ after the date of the election only ~~to the extent that the contribution if it~~ does not exceed net ~~debts~~ outstanding ~~debt~~ from the election, and the contribution does not ~~otherwise~~ exceed the ~~applicable~~ contribution limit for that election, ~~except as provided in § 85700 for a state officeholder account.~~

Notwithstanding subdivision (a), § 85601. Transfers of Funds Between a Candidate's Own Committees. (85306, 85317)

- (a) **Same Candidate, Different Offices.** A candidate may transfer contributions from a controlled committee raised in connection with one election to a controlled committee for elective state office of the same candidate.
- (1) The transferred contributions must be attributed to specific contributors using a last-in, first-out or first-in, first-out accounting method.
 - (2) After contributions are attributed to a specific contributor, the transferred contributions must be aggregated with all other contributions from the same contributor and must not exceed the contribution limits in § 85500 or § 85501.
- (b) **Same Candidate, Same Elective State Office.** A candidate for elective state office may transfer contributions raised in connection with an election for elective state office to the candidate's controlled committee established for the next election to the same elective state office.
- (1) The transferred contributions may be used to pay campaign expenditures incurred in the later election for the same office.
 - (2) The contributions may be transferred without attribution to specific contributors from the earlier election.

Article 7. Officeholder Accounts, Recall Committees, and Legal-Defense Funds; Application of Contribution Limits.

§ 85700. State Officeholder Accounts. (85316(b))

~~Despite § 85600,~~ an elected state officer may accept contributions after the ~~date of the election for the purpose of paying to pay~~ expenses associated with holding the office ~~provided that if~~ the contributions are not expended for ~~any~~ contribution to ~~any~~ state or local committee.

- (a) **Officeholder Account.** Contributions received ~~pursuant to under~~ this ~~subdivision shall~~ section must be deposited into a bank account established solely for the purposes specified in this ~~subdivision~~ section.
- (b) **No Contribution Limits.** A person ~~shall~~ must not make, and ~~no~~ an elected state officer ~~shall~~ must not receive ~~from a person,~~ a contribution ~~pursuant to under~~ this ~~subdivision~~ section totaling more than the following ~~amounts~~ per calendar year:
- (1) ~~Three thousand dollars (\$3,000) in the case of~~ For an elected state officer of the Assembly or Senate: \$3,000.
 - (2) ~~Five thousand dollars (\$5,000) in the case of~~ For a statewide elected state officer other than the Governor: \$5,000.
 - (3) ~~Twenty thousand dollars (\$20,000) in the case of~~ For the Governor: \$20,000.
- (c) **No Aggregate Limits.** An elected state officer ~~shall~~ must not receive contributions ~~pursuant to paragraph (1) under (b) that,~~ in the aggregate, total more than the following amounts per calendar year:
- (1) ~~Fifty thousand dollars (\$50,000) in the case of~~ For an elected state officer of the Assembly or Senate: \$50,000.

- (2) ~~One hundred thousand dollars (\$100,000) in the case of~~For a statewide elected state officer other than the Governor: ~~\$100,000.~~
- (3) ~~Two hundred thousand dollars (\$200,000) in the case of~~For the Governor: ~~\$200,000.~~
- (d) **Any Contributions Subject to Next Election Limits.** A contribution received ~~pursuant to~~under this ~~subdivision shall be deemed to be~~section is considered a contribution to that candidate for election to any state office that ~~he or she~~the candidate may seek during the term of office to which ~~he or she~~the candidate is currently elected, including, ~~but not limited to,~~ reelection to the office ~~he or she~~currently ~~hold~~held, and ~~shall be~~is subject to any applicable contribution limit ~~provided in~~under this title. If a contribution received ~~pursuant to~~under this ~~subdivision~~section exceeds the allowable contribution limit for the office sought, the candidate ~~shall~~must return the ~~excess~~ amount ~~exceeding the limit~~ to the contributor on a basis ~~to be~~determined by the Commission. ~~None of the~~Expenditures made by elected state officers ~~pursuant to~~under this ~~subdivision shall be~~section are ~~not~~ subject to the voluntary expenditure ~~limitations~~limits in ~~Section 85400~~§ 86100.
- (e) **Cost of Living Adjustment.** The Commission ~~shall~~will adjust the calendar-year contribution ~~limitations~~limits and aggregate contribution ~~limitations set forth~~limits in this ~~subdivision~~section in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. ~~Those adjustments shall be~~The officeholder account limits are adjusted from the base year of 2006 and are rounded to the nearest ~~one hundred dollars (\$100).~~.

§ 85306. Transfers Between a Candidate's Own Committees; Use of Funds Raised Prior to Effective Date.

- (a) ~~A candidate may transfer campaign funds from one controlled committee to a controlled committee for elective state office of the same candidate. Contributions transferred shall be attributed to specific contributors using a "last in, first out" or "first in, first out" accounting method, and these attributed contributions when aggregated with all other contributions from the same contributor may not exceed the limits set forth in Section 85301 or 85302.~~
- (b) ~~Notwithstanding subdivision (a), a candidate for elective state office, other than a candidate for statewide elective office, who possesses campaign funds on January 1, 2001, may use those funds to seek elective office without attributing the funds to specific contributors.~~
- (c) ~~Notwithstanding subdivision (a), a candidate for statewide elective office who possesses campaign funds on November 6, 2002, may use those funds to seek elective office without attributing the funds to specific contributors.~~

§ 85317. Carry Over of Contributions.

~~Notwithstanding subdivision (a) of Section 85306, a candidate for elective state office may carry over contributions raised in connection with one election for elective state office to pay campaign expenditures incurred in connection with a subsequent election for the same elective state office.~~

§ 85316. Post-Election Fundraising Restrictions; State Officeholder Accounts.

- (a) ~~Except as provided in subdivision (b), a contribution for an election may be accepted by a candidate for elective state office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limit for that election.~~
- (b) ~~Notwithstanding subdivision (a), an elected state officer may accept contributions after the date of the election for the purpose of paying expenses associated with holding the office provided that the contributions are not expended for any contribution to any state or local committee. Contributions~~

received pursuant to this subdivision shall be deposited into a bank account established solely for the purposes specified in this subdivision.

- ~~(1) No person shall make, and no elected state officer shall receive from a person, a contribution pursuant to this subdivision totaling more than the following amounts per calendar year:
 - ~~(A) Three thousand dollars (\$3,000) in the case of an elected state officer of the Assembly or Senate.~~
 - ~~(B) Five thousand dollars (\$5,000) in the case of a statewide elected state officer other than the Governor.~~
 - ~~(C) Twenty thousand dollars (\$20,000) in the case of the Governor.~~~~
- ~~(2) No elected state officer shall receive contributions pursuant to paragraph (1) that, in the aggregate, total more than the following amounts per calendar year:
 - ~~(A) Fifty thousand dollars (\$50,000) in the case of an elected state officer of the Assembly or Senate.~~
 - ~~(B) One hundred thousand dollars (\$100,000) in the case of a statewide elected state officer other than the Governor.~~
 - ~~(C) Two hundred thousand dollars (\$200,000) in the case of the Governor.~~~~
- ~~(3) Any contribution received pursuant to this subdivision shall be deemed to be a contribution to that candidate for election to any state office that he or she may seek during the term of office to which he or she is currently elected, including, but not limited to, reelection to the office he or she currently holds, and shall be subject to any applicable contribution limit provided in this title. If a contribution received pursuant to this subdivision exceeds the allowable contribution limit for the office sought, the candidate shall return the amount exceeding the limit to the contributor on a basis to be determined by the Commission. None of the expenditures made by elected state officers pursuant to this subdivision shall be subject to the voluntary expenditure limitations in Section 85400.~~
- ~~(4) The commission shall adjust the calendar year contribution limitations and aggregate contribution limitations set forth in this subdivision in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars (\$100).~~

§ 85315- § 85701. Elected State Officer Recall Committees. **(85315)**

- (a) ~~Notwithstanding~~**Establishing Committee to Oppose Recall.** ~~Despite~~ any other provision of this chapter, an elected state officer may establish a committee to oppose the qualification of a recall measure, ~~and the or~~ recall election. This committee may be established when the elected state officer receives a notice of intent to recall ~~pursuant to Section 11021 of the~~under Elections Code § 11021. An elected state officer may accept ~~campaign~~ contributions to oppose the qualification of a recall measure, ~~and~~ if qualification is successful, the recall election, ~~without regard to the campaign~~ and those contributions are not subject to the limits ~~set forth in~~under this ~~chapter. The~~title. Voluntary expenditure limits also do not apply to expenditures made to oppose the qualification of a recall measure or to oppose the recall election.
- (b) **Terminating Committee.** After the failure of a recall petition or after the recall election, the committee formed by the elected state officer ~~shall wind down~~must complete its activities and ~~dissolve. terminate.~~ Any remaining funds ~~shall be~~are treated as surplus funds and ~~shall~~must be ~~expended~~spent within 30 days ~~after the failure of the recall petition or after the recall election~~ for a purpose specified in ~~subdivision § 86212(b) of Section 89519.~~

§ 85304. § 85702. Legal-Defense Fund. (85304, 85304.5)

- (a) **Legal-Defense Fund.** A candidate for elective ~~state~~ office or an elected ~~state~~ officer may establish a separate account to defray attorney's fees and other related legal costs incurred for ~~the candidate's~~ his or ~~officer's~~ her legal defense if ~~the candidate~~ he or ~~officer~~ she is subject to one or more civil ~~or~~ criminal ~~proceedings~~ or administrative proceedings arising directly out of the conduct of an election campaign, the electoral process, or the performance of the officer's governmental activities and duties. ~~These~~ Legal defense funds may be used only to defray those ~~attorney~~ attorney's fees and other related legal costs. Someone who is a candidate for elective state office and local elective office simultaneously and has disputes arising under state and local law may establish a separate state and local legal defense fund.
- (b) **Funding Account.** A legal defense account may be funded as follows:
- (1) **State candidate or officer.** A candidate for elective state office or an elected state officer may receive contributions to this account that are not subject to the contribution limits set forth in this article. ~~However, all contributions shall be reported in a manner prescribed by the commission.~~ chapter.
- (2) **Local candidate or officer.** A candidate for an elective office other than an elective state office, or an elected officer other than an elected state officer, may receive contributions to the separate account subject to any limits provided by local ordinance.
- (c) **Reporting of Contributions.** All contributions to a legal defense fund account must be reported in a manner prescribed by the Commission.
- ~~(b)(d)~~ **Disposition of Remaining Funds.** Once the legal dispute is resolved, the candidate ~~shall~~ or elected officer must dispose of any funds remaining in the separate account after all expenses associated with the dispute are discharged for one or more of the purposes set forth in ~~paragraphs (1) to (5), inclusive, of subdivision (b) of Section 89519.~~ § 86216(b)(1)-(5).
- (e) ~~(1)~~ **Attorney's Fees and Related Costs.**
- (1) For purposes of this section ~~and Section 85304.5~~, "attorney's fees and other related legal costs" includes only ~~the following~~:
- (A) attorney's fees and other legal costs related to the defense of the candidate or officer; ~~and~~
- (B) administrative costs directly related to compliance with the requirements of this title.
- (2) "Attorney's fees and other related legal costs" does not include expenses for fundraising, media or political consulting fees, mass mailing or other advertising, or, ~~except as~~ unless expressly authorized by ~~subdivision § 86204(c) of Section 89513,~~ a payment or reimbursement for a fine, penalty, judgment, or settlement, or a payment to return or disgorge contributions made to ~~any other~~ another committee controlled by the candidate or officer.

§ 85304.5. Legal Defense Fund; Local Candidates and Elected Officeholders.

Chapter 6. Expenditures (§ 86100–§ 86303)

Article 1. Voluntary Expenditure Limits.

§ 86100. Voluntary Expenditure Limits. (85400)

- (a) **Limits.** A candidate for elective ~~office other than an elective~~ state office or an elected ~~officer other than an elected state officer~~ may establish a separate account pursuant to subdivision (a) of Section 85304 and may use these funds only to defray attorney's fees and other related legal costs.
- (b) ~~A candidate for an elective office other than an elective state office may receive contributions to the separate account subject to any limitations provided by local ordinance. However, all contributions to these separate accounts shall be reported in a manner prescribed by the commission.~~

- (c) ~~Once the legal dispute is resolved, the candidate or elected officer shall dispose of any funds remaining in the separate accounts after all expenses associated with the dispute are discharged for one or more of the purposes set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 89519.~~
- (d) ~~For purposes of this section, “attorney’s fees and other related legal costs” has the same meaning as in Section 85304.~~

§ 85400. Voluntary Expenditure Ceilings.

- (a) ~~A candidate for elective state office, other than the Board of Administration of the Public Employees’ Retirement System, who voluntarily accepts expenditure limits may must not make campaign expenditures in excess of greater than the following:~~
- (1) ~~For an Assembly candidate, four hundred thousand dollars (\$:~~
~~(A) \$400,000) in the primary or special primary election and seven hundred thousand dollars (\$:~~
~~and~~
~~(A)(B) \$700,000) in the general or special general runoff election.~~
- (2) ~~For a Senate candidate, six hundred thousand dollars (\$:~~
~~(A) \$600,000) in the primary or special primary election and nine hundred thousand dollars (\$:~~
~~and~~
~~(B) \$900,000) in the general or special general runoff election.~~
- (3) ~~For a candidate for the State Board of Equalization, one million dollars (\$:~~
~~(A) \$1,000,000) in the primary election and one million five hundred thousand dollars (\$: and~~
~~(C)(B) \$1,500,000) in the general election.~~
- (2)(4) ~~For a statewide candidate other than a candidate for Governor or the State Board of Equalization, four million dollars (\$4,000,000) in the primary election and six million dollars (\$6,000,000) in the general election:~~
~~(A) For a candidate for Governor, six million dollars (\$6,000,000) \$4,000,000 in the primary election; and ten million dollars (\$10~~
~~(A)(B) \$6,000,000) in the general election.~~
- (5) ~~For a candidate for Governor:~~
~~(A) \$6,000,000 in the primary election; and~~
~~(B) \$10,000,000 in the general election.~~
- (b) ~~Exception. This section does not apply to the Board of Administration of the Public Employees’ Retirement System.~~
- (b)(c) **Campaign Expenditures.** ~~For purposes of this section, “campaign expenditures” has the same meaning as “election-related activities” as defined in clauses (i) to (vi), inclusive, and clause (viii) of subparagraph (C) of paragraph (2) of subdivision (b) of Section 82015. § 82014.~~
- (e)(d) **Political-Party Expenditures.** ~~A campaign expenditure made by a political party on a candidate’s behalf of a candidate may must not be attributed to the limitations limits on campaign expenditures set forth in this section.~~

§ 85401. § 86101. Candidate Acceptance Accepting or Rejection of Rejecting Expenditure Ceilings Limits. (85401)

- (a) ~~Each Candidate Statement of Intention. A candidate for elective state office shall must file a statement of acceptance or rejection of the voluntary expenditure limits set forth in Section 85400 at § 86100 when the time he or she candidate files the § 83100 statement of intention specified in Section 85200.~~
- (a) ~~to be a candidate may,.~~

(a)(b) **Changing Decision Before Deadline.** Until the deadline for filing nomination papers ~~set forth in Section § 8020 of the Elections Code, a candidate may~~ change ~~his or her~~the statement of acceptance or rejection of voluntary expenditure limits ~~provided if~~ he or she has not exceeded the voluntary expenditure limits. A candidate ~~may not~~cannot change his or her statement of acceptance or rejection of voluntary expenditure limits more than twice after the ~~candidate's~~candidate's initial filing of the statement of intention for that election and office.

(b)(c) **Any Candidates Who Did Not Exceed Primary Limits.** A candidate for elective state office who declined to accept the voluntary expenditure limits but ~~who~~ nevertheless does not exceed the limits in the primary, special primary, or special election, may file a statement of acceptance of the expenditure limits for a general or special runoff election within 14 days ~~following~~after the primary, special primary, or special election.

(e)(d) **Notwithstanding Section 81004.5 Decision is Final.** Despite § 84402 or any other provision of this title, a candidate ~~may not~~cannot change his or her ~~statement of acceptance or rejection of voluntary expenditure limits~~limit statement other than as ~~provided for~~specified by this section and ~~Section 85402 § 86102.~~

§ 85402. § 86102. Lifting Expenditure Limits; Opponent's Use of Personal Funds. (85402)

- (a) **Any Opponent Spending Personal Funds.** A candidate for elective state office who has filed a statement accepting the voluntary expenditure limits is not bound by those limits if an opposing candidate for the same office contributes personal funds to his or her own campaign ~~in excess of the and those personal funds total an amount over the § 86100 limits~~set forth in Section 85400.
- (b) **Notification.** The Commission ~~shall require by, through~~ regulation, will require timely notification by ~~candidates~~a candidate for elective state office who ~~make~~makes personal contributions to ~~their~~his or her own campaign.

§ 85403. § 86103. Violations of Voluntary Expenditure Limits. (85403)

Any candidate ~~who is~~ subject to the penalties in Chapter 13 if the candidate:

- (a) files a statement of acceptance ~~pursuant to Section 85401~~under § 86101; and
- (b) makes campaign expenditures ~~in excess of~~over the limits ~~shall be subject to the remedies in Chapter 3 (commencing with Section 83100) and Chapter 11 (commencing with Section 91000).~~

§ 85600. § 86104. Accepting Voluntary Spending Limits; Ballot Pamphlet Designation. (85600)

The Secretary of State ~~shall~~must designate in the state ballot pamphlet those candidates for statewide elective office, ~~as defined in Section 82053 § 82078,~~ who have ~~voluntarily~~ agreed to the voluntary expenditure ~~limitations set forth~~limits in ~~Section 85400. § 86100.~~ Local elections officers ~~shall~~must designate in the voter information ~~portion~~part of the sample ballot those candidates for State Senate and Assembly who have ~~voluntarily~~ agreed to the voluntary expenditure ~~limitations set forth~~limits in ~~Section 85400 § 86100.~~

§ 85601. § 86105. Accepting Voluntary Spending Limits; Candidate Access to Ballot-Pamphlet Statement. (85601)

- (a) **Accepting Limits; Statement.** A candidate for statewide elective office, ~~as defined in Section 82053, § 82078 or State Senate or Assembly~~ who accepts the voluntary expenditure limits ~~set forth in Section 85400~~ **§ 86100** may purchase the space to place a statement ~~in the state ballot pamphlet~~ that does not exceed 250 words. The statement ~~may~~ **must** not ~~make any reference~~ **refer** to ~~any~~ **an** opponent of the candidate.
- (1) The statement ~~shall be submitted in accordance with~~ **of a candidate for statewide elective office will appear in the state ballot pamphlet. The statement must be submitted under** timeframes and procedures set ~~forth~~ by the Secretary of State for ~~the~~ preparation of the state ballot ~~pamphlets~~ **pamphlet**.
- ~~(a) Notwithstanding subdivision (e) of Section 88001 of this code or subdivision (e) of Section 9084 of the Elections Code, on and after November 6, 2002, the Secretary of State may not include in the state ballot pamphlet a statement from a candidate who has not voluntarily agreed to the expenditure limitations set forth in Section 85400.~~
- (2) ~~The statement of a candidate for State Senate or Assembly who accepts the voluntary expenditure limits set forth in Section 85400 may purchase the space to place a statement~~ **will appear** in the voter information ~~portion~~ **part** of the sample ballot ~~that does not exceed 250 words. The statement may not make any reference to any opponent of the candidate. The statement shall. The statement must~~ be submitted ~~in accordance with~~ **under** the timeframes and procedures ~~set forth in the Elections Code for the preparation of the voter information portion~~ **part** of the sample ballot.
- ~~(b) § 89510-Not Accepting Limits. Despite § 90103(f) or Elections Code § 9084(e), the Secretary of State cannot include in the state ballot pamphlet a statement from a candidate who has not agreed to the voluntary expenditure limits in § 86100.~~

Article 2. Use of Campaign Funds.

§ 86200. Contributions Held in Trust-; Candidates. (89510)

- ~~(a) A candidate for elective state office may only accept contributions only within the limits provided in Chapter 5 (commencing with Section 85100).~~
- ~~All contributions deposited into the campaign account shall be deemed~~ **are considered** to be held in trust for expenses associated with the election of the candidate or for expenses associated with holding office.

§ 89511- § 86201. Campaign Funds Held by Candidates and Committees-; Definitions. (89511)

- (a) **Application.** This article applies to campaign funds held by ~~candidates~~ **a candidate** for elective office, ~~an elected officers, officer, a controlled committees, committee, a ballot-measure committees, committees-committee, a committee~~ **opposed to a candidate or measure, and any or a committee which that** qualifies as a **recipient** committee ~~pursuant to subdivision under § 82012(a) of Section 82013.~~
- (b) ~~(1)~~ **Definitions.** For purposes of this ~~chapter, article:~~
- (1) “Campaign funds” ~~includes any contributions~~ **means a contribution**, cash, cash ~~equivalents~~ **equivalent**, and other ~~assets~~ **asset** received or possessed by a **recipient** committee as defined by ~~subdivision (a) of Section 82013.~~ **§ 82012(a).**

- (2) ~~For purposes of this chapter,~~ “Committee” means a controlled committee, ballot-measure committee, committee opposed to a candidate or measure, and ~~any~~ committee ~~which that~~ qualifies as a committee ~~pursuant to subdivision (a) of Section 82013 under § 82012(a).~~
- (3) ~~For purposes of this chapter,~~ “Substantial personal benefit” means an expenditure of campaign funds ~~which that~~ results in a direct personal benefit ~~with a value of valued at~~ more than ~~two hundred dollars (\$200)~~ to a candidate, elected officer, or ~~any~~ individual or individuals with authority to approve the expenditure of campaign funds held by a committee.
- ~~(2) For purposes of this article, “household” includes the candidate’s or elected officer’s spouse, dependent children, and parents who reside with the candidate or elected officer.~~
- ~~(3) (A) For purposes of this article, “attorney’s fees and other costs” includes only the following:~~
 - ~~(i) Attorney’s fees and other legal costs related to the defense of the candidate or officer.~~
 - ~~(ii) Administrative costs directly related to compliance with the requirements of this title.~~
- ~~(B) “Attorney’s fees and other costs” does not include expenses for fundraising, media or political consulting fees, mass mailing or other advertising, or, except as expressly authorized by subdivision (c) of Section 89513, a payment or reimbursement for a fine, penalty, judgment or settlement, or a payment to return or disgorge contributions made to any other committee controlled by the candidate or officer.~~

§ 89512. § 86202. Expenditures Associated with Seeking or Holding Office-; Political, Legislative or Governmental Purpose. (89512)

- ~~(a) An expenditure to seek office is within the~~ **Reasonably Related.** ~~The following are~~ lawful ~~execution~~ ~~executions~~ of the trust imposed by ~~Section 89510 § 86200:~~
 - ~~(1) An expenditure to seek office if it is reasonably related to a political purpose-; and~~
 - ~~(2) An expenditure associated with holding office is within the lawful execution of the trust imposed by Section 89510 if it is reasonably related to a legislative or governmental purpose.~~
- ~~(a)(b) Directly Related.~~ Expenditures ~~which that~~ confer a substantial personal benefit ~~shall must~~ be directly related to a political, legislative, or governmental purpose.
- ~~(b)(c) Except as~~ **Expenditures for Fines and Penalties. Unless** expressly authorized by this article, an expenditure for a fine, penalty, judgment, or settlement is not within the lawful execution of the trust imposed by ~~Section 89510 § 86200.~~

§ 89512.5. § 86203. Expenditures by Committees Not Controlled by Candidates-; Political, Legislative or Governmental Purpose. (89512.5)

- (a) **Reasonably Related.** Subject to ~~the provisions of subdivision (b), any~~ ~~an~~ expenditure by a committee not subject to the trust imposed by ~~subdivision § 86200(b) of Section 89510 shall must~~ be reasonably related to a political, legislative, or governmental purpose of the committee.
- (b) **Any Directly Related. A committee’s** expenditure ~~by a committee~~ that confers a substantial personal benefit on ~~any individual or individuals anyone~~ with authority to approve the expenditure of campaign funds held by the committee, ~~shall must~~ be directly related to a political, legislative, or governmental purpose of the committee.

§ 89513. § 86204. Use of Campaign Funds for Specific Activities. (89513)

This section ~~sets forth specific expenditures and~~ governs the use of campaign funds ~~to pay for the specific expenditures set forth in them.~~ This section. ~~It is the intent of the Legislature that this section guide also~~

guides the interpretation of the standard imposed by ~~Section 89512~~ § 86202 as applied to other expenditures not specifically ~~set forth~~ in this section.

- (a) ~~(1)~~ **Travel.** ~~Unless directly related to a political, legislative, or governmental purpose,~~ campaign funds ~~shall~~ must not be used to pay or reimburse the candidate, the elected officer, ~~or anyan~~ individual ~~or individuals~~ with authority to approve the expenditure of campaign funds held by a committee, ~~or employeesan employee~~ or staff member of the committee, or the elected officer's governmental agency for travel expenses and necessary accommodations ~~except when these expenditures are directly related to a political, legislative, or governmental purpose.~~

- (1) ~~For the purposes of~~ **Criteria for directly-related status.** ~~Under~~ this section, ~~payments~~ payment or ~~reimbursements~~ reimbursement for travel and necessary accommodations ~~shall beare~~ considered as ~~“directly related to a political, legislative, or governmental purpose”~~ if the ~~payments~~ payment would meet standards similar to ~~the standards of the Internal Revenue Service pursuant to Sections 162 and 274 of the those under~~ Internal Revenue Code §§ 162 and 274 for deductions of travel expenses under the federal income-tax law.
- (2) ~~For the purposes of~~ **Household travel.** ~~Under~~ this section, ~~payments~~ payment or reimbursement for travel by the candidate's or elected officer's household ~~of a candidate or elected officer~~ when traveling to the same destination ~~in order to accompanywith~~ the candidate or elected officer ~~shall beare~~ considered used for the same purpose as the candidate's or elected officer's travel.
- (3) ~~Whenever~~ **Reporting.** ~~An expenditure of~~ campaign funds ~~are used~~ to pay or reimburse a candidate, elected officer, his or her representative, or a member of the candidate's household for travel expenses and necessary accommodations, ~~the expenditure shall must~~ be reported as required by Section 84211 under § 84300.
- (4) ~~Whenever~~ **Bonus-mileage programs.** ~~If~~ campaign funds are used to pay or reimburse for travel expenses and necessary accommodations, ~~any~~ mileage credit ~~that is earned or awarded pursuant to under~~ an airline bonus-mileage program ~~shall be deemedis considered~~ personally earned by or awarded to the individual traveler. ~~Neither the earning or awarding of mileage credit, nor the redeeming of credit for actual travel, shall be and is not~~ subject to reporting ~~pursuant to Section 84211 under § 84300.~~

- (b) ~~(1)~~ **Professional Services; Employer Healthcare Benefits; But Not Health-Related Expenses.** Campaign funds ~~shall~~ must not be used to pay for or reimburse the cost of professional services unless the services are directly related to a political, legislative, or governmental purpose.

- (1) ~~Expenditures by a committee to pay~~ **Professional services.** ~~Committee expenditures~~ for professional services reasonably required by the committee to assist it in the performance of its administrative functions are directly related to a political, legislative, or governmental purpose.
- (2) ~~Campaign funds shall not be used to pay health~~ **Health-related expenditures.** ~~Health-related~~ expenses for a candidate, elected officer, or ~~anyan~~ individual ~~or individuals~~ with authority to approve the expenditure of campaign funds held by a committee, or members of ~~his or her~~ their household: ~~must not be paid with campaign funds.~~ “Health-related expenses” includes, ~~but is not limited to,~~ examinations by physicians, dentists, psychiatrists, psychologists, or counselors, expenses for medications, treatments, or medical equipment, and expenses for hospitalization, health-club dues, and special dietary foods. ~~However, campaign funds may be used to pay employer costs of health care benefits of a bona fide employee or independent contractor of the committee.~~

- (3) ~~(1)~~ **Healthcare benefits.** Campaign funds ~~shall~~ may be used to pay employer costs of healthcare benefits of a bona fide employee or independent contractor of the committee.

- (c) **Fines, Parking Citations, Penalties, Judgments and Settlements.**

- ~~(3)~~ ~~(1)~~ **Improper uses.** Campaign funds ~~must~~ not be used to pay or reimburse fines, penalties, judgments, or settlements, ~~except those resulting unless they result~~ from ~~either of the following:~~
- (A) parking citations incurred ~~in the performance of during~~ an activity ~~that was~~ directly related to a political, legislative, or governmental purpose: or

(B) ~~Any other~~ an action for which payment of attorney's fees from contributions would be permitted ~~pursuant to~~ under this title. However, campaign funds ~~shall~~ may not be used to pay a fine, penalty, judgment, or settlement relating to an expenditure of campaign funds ~~that resulted~~ resulting in either of the following:

- (i) a personal benefit to the candidate or officer ~~if it is determined that the expenditure was~~ not reasonably related to a political, legislative, or governmental purpose; ~~or~~
- (ii) a substantial personal benefit to the candidate or officer ~~if it is determined that the expenditure was~~ not directly related to a political, legislative, or governmental purpose.

~~(4)(2)~~ Restitution fines. Campaign funds ~~shall~~ must not be used to pay a restitution fine imposed under ~~Section 86 of the Penal Code.~~ § 86.

~~(e)(d)~~ Specialty Clothing. Campaign funds ~~shall~~ may not be used for campaign, business, or casual clothing except specialty clothing that is not suitable for everyday use, ~~including, but not limited to, such as~~ formal wear, ~~if this attire is to be~~ worn by the candidate or elected officer ~~and is~~ directly related to a political, legislative, or governmental purpose.

~~(d)(e)~~ (1) Tickets to Attend Political Fundraiser. Except where ~~otherwise~~ prohibited by law, campaign funds may be used to purchase ~~or~~ reimburse ~~for the costs~~ cost of ~~purchase of~~ purchasing tickets to political fundraising events for the attendance of a candidate, elected officer, or ~~his or her~~ the candidate's immediate family, or an officer, director, employee, or staff of the committee or the elected officer's governmental agency.

~~(e)(f)~~ Tickets to Attend Entertainment/Sporting Event. Campaign funds ~~shall~~ must not be used to pay for or reimburse for the ~~costs~~ cost of tickets for entertainment or sporting events for the candidate, elected officer, or members of ~~his or her~~ the candidate's immediate family, or an officer, director, employee, or staff of the committee, unless their attendance at the event is directly related to a political, legislative, or governmental purpose. Subdivision (g) governs the purchase of tickets for entertainment or sporting events for the benefit of persons other than the candidate, elected officer, or his or her immediate family ~~are governed by subdivision (f).~~

~~(f)(g)~~ (1) Personal Gift. Campaign funds ~~shall~~ must not be used ~~to make~~ for personal gifts unless the gift is directly related to a political, legislative, or governmental purpose. ~~The refund of~~ Refunding a campaign contribution does not constitute ~~the making of~~ a gift.

(1) Nothing in this section ~~shall prohibit~~ prohibits the use of campaign funds to reimburse or otherwise compensate a public employee for services rendered to a candidate or committee while on vacation, leave, or otherwise outside ~~of~~ compensated public time.

(2) An election victory celebration or similar campaign event, or gifts with a total cumulative value of less than ~~two hundred fifty dollars (\$250)~~ in a single year made to an ~~individual~~ employee, a committee worker, or an employee of the elected officer's agency, are ~~considered to be~~ directly related to a political, legislative, or governmental purpose. ~~For purposes of~~ Under this paragraph, a gift to a member of a person's immediate family ~~shall be deemed to be~~ is a gift to that person.

~~(g)(h)~~ Loans. Campaign funds ~~shall~~ must not be used to make loans other than to organizations ~~pursuant to Section 89515 under § 86207,~~ or, unless ~~otherwise~~ prohibited, to a candidate for elective office, political party, or committee.

(i) § 89511.5. Household. For purposes of this section, "household" includes the candidate's or elected officer's spouse, dependent children, and parents who reside with the candidate or elected officer.

§ 86205. Use of Personal Funds ~~for~~ by Incumbent Elected Officers; Reimbursement. (89511.5)

(a) Using Personal Funds for Officeholder Expenses. An incumbent elected officer may ~~utilize his or her~~ use personal funds for expenditures authorized by ~~subdivision (b) of Section 89510~~ § 86200(b) without first depositing those funds in ~~his or her~~ the incumbent elected officer's controlled ~~committee's~~ committee campaign bank account, if ~~both of the following conditions are met:~~

- (1) the expenditures are not campaign expenses; and
 - (2) the committee treasurer ~~of the committee~~ is provided with given a dated receipt and a written description of the expenditure.
- (b) **Reimbursement.** An incumbent elected officer may be reimbursed for expenditures of ~~his or her~~ the incumbent's personal funds, from either the controlled-committee campaign bank account established ~~pursuant to Section 85201 with respect to under § 83101 for~~ election to the incumbent term of office; or from a controlled-committee campaign bank account established ~~pursuant to Section 85201 with respect to under § 83101 for~~ election to a future term of office, if ~~all of the following conditions are met~~:
- (1) the expenditures are not campaign expenses;
 - (2) the incumbent elected officer, ~~prior to before~~ reimbursement, ~~provides gives~~ the treasurer of the committee ~~with~~ a dated receipt and a written description of each expenditure; and
 - (3) reimbursement is paid within 90 days of the expenditure, ~~in the case of a~~ for cash ~~expenditure expenditures~~, or within 90 days of the end of the billing period in which it was included, ~~in the case of an expenditure charged to for~~ a credit card or charge account.
- (c) **Reporting Expenditures and Reimbursements.** When the elected officer's controlled committee is notified that expenditures totaling ~~one hundred dollars (\$100)~~ or more in a fiscal year have been made by the incumbent elected officer, the committee ~~shall, under § 84300(k), must~~ report, ~~pursuant to subdivision (k) of Section 84211, the expenditures on the campaign statement for the period in which the expenditures were made and the reimbursements on the campaign statement for the period in which the reimbursements either~~ were made.
- (d) **Nonmonetary Contribution.** If reimbursement is not paid within the time authorized by this section, the expenditure ~~shall be is~~ reported on the campaign statement as a nonmonetary contribution received on the 90th day after the expenditure is paid; ~~in the case of a cash expenditure~~, or within 90 days of the end of the billing period in which it was ~~included, in the case of an expenditure~~ charged to a credit card or charge account.
- (e) **Bank Account.** This section ~~shall does~~ not ~~be construed to~~ authorize an incumbent elected officer to make expenditures from ~~any~~ campaign bank account for expenses other than those ~~expenses~~ associated with ~~his or her~~ the incumbent's election to the specific office for which the account was established and expenses associated with holding that office.

§ 89518. § 86206. No Use of Campaign Funds for Compensation- of Candidate or Elected Officer and Spouse or Domestic Partner of Candidate. (89518, 84307.5)

Campaign funds ~~shall must~~ not be used for the following:

- (a) **Candidate or Elected Officer.** To compensate a candidate or elected officer for the performance of political, legislative, or governmental activities, except ~~for reimbursement of to reimburse~~ out-of-pocket expenses incurred for political, legislative, or governmental purposes.
- (b) **Individual Who Authorizes Campaign funds shall not be used Expenditures.** To compensate ~~any individual or individuals anyone~~ with authority to approve the expenditure of campaign funds for the performance of political, legislative, or governmental activities, except ~~as provided in subdivision (b) of Section 89513 and for reimbursement of under § 86204(b) and to reimburse~~ out-of-pocket expenses incurred for political, legislative, or governmental purposes.

§ 84307.5. Payments Made to a Spouse or Domestic Partner.

- (c) **A. To compensate the** spouse or domestic partner of an elected officer or of a candidate for elective office ~~shall not receive, in exchange for services rendered, compensation~~ from campaign funds held by a controlled committee of the elected officer or candidate for elective office.

§ 89515-§ 86207. Use of Campaign Funds for Donations and Loans. **(89515)**

Campaign funds may be used ~~to make for~~ donations or loans to bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organizations, ~~whereif:~~

- (a) **Reasonably Related.** The donation or loan is reasonably related to a political, legislative, or governmental purpose; and
- (a)(b) **No Material Financial Effect.** No substantial part of the proceeds will have a material financial effect on the candidate, elected officer, campaign treasurer, or ~~any individual or individuals~~ anyone with authority to approve the expenditure of campaign funds held by a committee, or member of ~~his or her~~ their immediate family, ~~and where the donation or loan bears a reasonable relation to a political, legislative, or governmental purpose.~~

§ 89516-§ 86208. Use of Campaign Funds for Vehicle Purchase, Lease, and Expenses. **(89516)**

~~Notwithstanding Sections 89512 and 89513~~ Despite §§ 86202 and 86204, this section governs the use of campaign funds for vehicle expenses.

- (a) **Purchase.** Campaign funds ~~shall~~ must not be used to purchase a vehicle unless ~~both of the following apply:~~
- (1) title to the vehicle is held by the committee and not the candidate, elected officer, campaign treasurer, ~~or any other individual or individuals~~ anyone with authority to approve the expenditure of campaign funds held by a committee, or a member of ~~his or her~~ their immediate family; ~~and~~
 - (2) ~~The use of the vehicle~~ vehicle's use is directly related to a political, legislative, or governmental purpose.
- (b) **Lease.** Campaign funds ~~shall~~ must not be used to lease a vehicle unless ~~both of the following apply~~ vehicle's use is directly related to a political, legislative, or governmental purpose; and either:
- (1) the lessor is a state or local government agency; or
 - (1)(2) ~~the lessee is the committee, or a state or local government agency, and the lessee is not the candidate, elected officer, or a member of his or her~~ their immediate family; ~~or the lessor is a state or local government agency.~~
 - (1) ~~The use of the vehicle is directly related to a political, legislative, or governmental purpose.~~
- (c) **Operating Costs.** Campaign funds may be used to pay for or reimburse the operating costs, including, ~~but not limited to,~~ insurance, maintenance, and repairs, for ~~any~~ any vehicle eligible for ~~which~~ campaign funds under this section.
- (b) **Reimbursement for Use of Own Vehicle.** Campaign funds may be ~~spent pursuant to this section.~~
- (e)(d) ~~Campaign funds may be used to reimburse a candidate, elected officer, his or her immediate family, or any individual or individuals~~ anyone with authority to approve the expenditure of campaign funds held by a committee, or an employee or member of the staff of the committee or of the elected officer's governmental agency, for the use of his or her vehicle at the rate approved by the Internal Revenue Service ~~pursuant to Section 162 of the~~ under Internal Revenue Code § 162, in connection with deductible mileage expenses under the federal income tax law, if ~~both of the following requirements are met:~~
- (1) the vehicle use ~~for which reimbursement is sought~~ is directly related to political, governmental, or legislative purposes; ~~and~~
 - (2) the specific purpose and mileage in connection with each expenditure is documented in a manner approved by the Internal Revenue Service in connection with deductible mileage expenses.
- (d)(e) ~~For the purposes of~~ **Directly Related. Under** this section, use of a vehicle is considered ~~to be~~ directly related to a political, legislative, or governmental purpose ~~as long as if~~ its use for other purposes is only incidental ~~to its use for political, legislative, or governmental purposes.~~

§ 89517- § 86209. Use of Campaign Funds for Real Property, Appliances, or Equipment. **(89517)**

- (a) **Leasing or Refurbishing.** Campaign funds ~~shall~~must not be used ~~for payment to pay~~ or ~~reimbursement for~~reimburse the lease of real property or ~~for the~~to purchase, lease, or ~~refurbishment of~~refurbish any appliance or equipment, ~~whereif~~ the lessee or sublessor is, ~~or~~ the legal title resides, in whole or in part, in ~~—~~ a candidate, elected officer, campaign treasurer, ~~or any individual or individuals~~anyone with authority to approve the expenditure of campaign funds, or member of his or her immediate family.
- (b) **Purchasing Real Property.** Campaign funds ~~shall~~must not be used to purchase real property. ~~Except as~~Unless prohibited by ~~subdivision~~ (a), campaign funds may be used to lease real property for up to one year ~~at a time whereif~~ the property's ~~use of that property~~ is directly related to political, legislative, or governmental purposes.
- (c) ~~For the purposes of~~**Criteria for Directly-Related Status.** Under this section, real property, an appliance, or equipment is considered to be directly related to a political, legislative, or governmental purpose ~~as long as if~~ its use for other purposes is only incidental ~~to its use for political, legislative, or governmental purposes.~~

§ 89517.5. § 86210. Use of Campaign Funds for Security System. Installed in Response to Threats. **(89517.5)**

- (a) ~~Notwithstanding Section 89517~~**Security Systems.** Despite § 86209, campaign funds may be used to pay; or reimburse the state; for the ~~costs~~cost of installing and monitoring an electronic security system in the home ~~or and~~ office, ~~or both~~, of a candidate or elected officer who has received ~~threats~~a threat to his or her physical safety, ~~provided that if~~ the ~~threats arise~~threat:
- (1) arises from his or her activities, duties, or status as a candidate or elected officer; ~~and that the threats have~~
- (2) has been reported to and verified by an appropriate law-enforcement agency. Verification ~~shall be~~is determined solely by the law-enforcement agency to which the threat was reported.
- (b) **Reports.** The candidate or elected officer ~~shall~~must report ~~any to the Commission an~~ expenditure of campaign funds made ~~pursuant to under~~ this section ~~to the Commission.~~ The report to the Commission ~~shall~~must include the date ~~that~~ the candidate or elected officer informed the law-enforcement agency of the threat, the name and phone number of the law-enforcement agency, and a brief description of the threat.
- (c) **Limit.** No more than ~~five thousand dollars (\$5,000)~~ in campaign funds may be used, ~~cumulatively~~, by a candidate or elected officer ~~pursuant to under~~ this subdivision.
- (a)(d) **Reimbursement.** The candidate or elected officer ~~shall~~must reimburse the campaign fund account for the ~~costs~~cost of the security system upon sale of the property where the security equipment is installed, based on the fair market value of the security equipment at the time ~~the property is sold of sale.~~

§ 89514- § 86211. Use of Campaign Funds for Attorney's Fees. **(89514; 89511)**

- (a) **Litigation Costs.** Expenditures of campaign funds for attorney's fees and other costs ~~in~~ connection~~connected~~ with administrative, civil, or criminal litigation are ~~not~~ directly related to a political, legislative, or governmental purpose ~~except whereif~~ the litigation;

- (1) is directly related to committee activities ~~of a committee that are~~ consistent with ~~its the~~ committee's primary objectives; or
- (2) arises directly out of a committee's activities; or
- (2)(3) arises out of a candidate's or elected officer's activities, duties, or status as a candidate or elected officer, including, ~~but not limited to, an action to enjoin enjoining or defending against~~ defamation; ~~defense of an action to enjoin defamation, defense of an action brought for a~~ violation of state or local campaign, disclosure, or election laws; ~~and an action arising from an~~ election contest or recount.

§ 89511. Campaign Funds Held by Candidates and Committees.

- (a) ~~This article applies to campaign funds held by candidates for elective office, elected officers, controlled committees, ballot measure committees, committees opposed to a candidate or measure, and any committee which qualifies as a committee pursuant to subdivision (a) of Section 82013.~~
- (b) (1) **Limits on Fees.** For purposes of this chapter, "campaign funds" includes any contributions, cash, cash equivalents, and other assets received or possessed by a committee as defined by subdivision (a) of Section 82013.
- (2) For purposes of this chapter, "committee" means a controlled committee, ballot measure committee, committee opposed to a candidate or measure, and any committee which qualifies as a committee pursuant to subdivision (a) of Section 82013.
- (3) For purposes of this chapter, "substantial personal benefit" means an expenditure of campaign funds which results in a direct personal benefit with a value of more than two hundred dollars (\$200) to a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee.
- (4) For purposes of this article, "household" includes the candidate's or elected officer's spouse, dependent children, and parents who reside with the candidate or elected officer.
- (b) (A) For purposes of this article section, "attorney's fees and other related legal costs" includes only the following:
 - (1) attorney's fees and other legal costs related to the defense of the candidate or officer; and
 - (2) administrative costs directly related to compliance with the requirements of this title.
- (c) **Exceptions.** "Attorney's fees and other related legal costs" does not include expenses for fundraising; media or political consulting fees; mass mailing or other advertising; or, except as unless expressly authorized by ~~subdivision § 86203(c) of Section 89513,~~ a payment or reimbursement for a fine, penalty, judgment or settlement; or a payment to return or disgorge contributions made to ~~any other another~~ committee controlled by the candidate or officer.

§ 89519. § 86212. Use of Surplus Campaign Funds. **(89519)**

- (a) ~~Upon the 90th day~~ **When Campaign Funds Become Surplus.** Ninety days after leaving an elective office, or ~~the 90th day following~~ 90 days after the end of the postelection reporting period ~~following the defeat of a defeated~~ candidate for elective office, whichever occurs last, campaign funds under the control of the former candidate or elected officer ~~shall be~~ shall be considered surplus campaign funds and ~~shall must~~ be disclosed ~~pursuant to under~~ Chapter 4 ~~(commencing with Section 84100).~~
- (b) **Use of Surplus Funds.** Surplus campaign funds ~~shall may~~ be used only for ~~the following purposes:~~
 - (1) The payment of outstanding campaign debts or elected officer's expenses.
 - (2) The repayment of contributions.
 - (3) Donations to any bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, where if no substantial part of the proceeds will have a material financial effect on the former candidate or elected officer, any member of his or her immediate family, or his or her campaign treasurer.

- (4) Contributions to a political party committee, ~~provided if~~ the campaign funds are not used to support or oppose candidates for elective office. ~~However, A political party may use the campaign funds may be used by a political party committee, however,~~ to conduct partisan voter registration, partisan get-out-the-vote activities, and slate mailers as ~~that term is~~ defined in Section 82048.3 § 82066.
- (5) Contributions to support or oppose ~~any candidate for a~~ federal ~~office, any candidate for elective office in a or out-of-state other than California~~ candidate, or any ballot measure.
- (6) ~~The payment for professional services reasonably required by to help the committee to assist in the performance of perform~~ its administrative functions, including payment for attorney's fees ~~for litigation that arises directly out~~ subject to the requirements of a candidate's or elected officer's activities, duties, or status as a candidate or elected officer, including, but not limited to, an action to enjoin defamation, defense § 86211.
- ~~(4) Candidate Must Reimburse Cost of an action brought for a violation of state or local campaign, disclosure, or election laws, and an action from an election contest or recount.~~
- (c) ~~For purposes of this section, the payment for, or the reimbursement to the state of, the costs of installing and monitoring Security System. The use of surplus campaign funds for an electronic security system in the home or office, or both, of a candidate or elected officer who has received threats to his or her physical safety shall be deemed an outstanding campaign debt or elected officer's expense, provided that the threats arise from his or her activities, duties, or status as a candidate or elected officer and that the threats have been reported to and verified by an appropriate law enforcement agency. Verification shall be determined solely by the law enforcement agency to which the threat was reported. The candidate or elected officer shall report any expenditure of campaign funds made pursuant to this section to the commission. The report to the commission shall include the date that the candidate or elected officer informed the law enforcement agency of the threat, the name and the telephone number of the law enforcement agency, and a brief description of the threat. No more than five thousand dollars (\$5,000) in surplus campaign funds may be used, cumulatively, by a candidate or elected officer pursuant to this subdivision. Payments made pursuant to this subdivision shall is subject to requirements under § 86210. In addition, payments made under this subdivision must be made during the two years immediately following after the date upon which the that campaign funds become surplus campaign funds. The candidate or elected officer shall must reimburse the surplus fund account for the fair market value of the security system no later than two years immediately following the date upon which the campaign funds became surplus campaign funds. The during this period. Campaign funds become surplus campaign funds upon sale of the property on which the system is installed, or prior to before the closing of the surplus campaign fund account, whichever comes first. The electronic security system shall be is the property of the candidate's or elected officer's campaign committee of the candidate or elected officer.~~

§ 89522. § 86213. Use of Campaign Funds if Convicted of Felony.

(New legislation SB 1107 – 2016)

- (a) **Permitted Use.** An elected officer who is convicted of a felony under § 20 of the Elections Code, and whose conviction has become final, may use funds held by his or her candidate-controlled committee only to:
- (1) Pay outstanding campaign debts or elected officer's expenses; and
 - (2) repay contributions.
- (b) **Time Limit.** Six months after the conviction becomes final, the elected officer must forfeit any remaining funds subject to (a), and must deposit these funds in the general fund.
- (c) **Exceptions.** This section does not apply to funds held by a ballot-measure committee or in a legal defense fund formed under § 85702.

§ 86214. Campaign Funds; Prohibited Use Under Elections Code. (89522)

This chapter ~~shall~~does not be construed to permit ~~an expenditure~~any expenditures of campaign funds prohibited by ~~Section Elections Code § 18680 of the Elections Code.~~

§ 89520. § 86215. Violations. (89520)

~~Only~~ the remedies ~~provided in Chapter 11 (commencing with Section 91000) shall not~~§§ 90326, 90337, and 90338 apply to violations of this ~~chapter~~article.

§ 85500. Article 3. Independent Expenditures; 24-Hour Disclosure.

§ 86300. Independent Expenditures; Coordination. (85500)

~~(a) In addition to any other report required by this title, a committee, including a political party committee, that is required to file reports pursuant to Section 84605 and that makes independent expenditures of one thousand dollars (\$1,000) or more during an election cycle in connection with a candidate for elective state office or state ballot measure, shall file online or electronically a report with the Secretary of State disclosing the making of the independent expenditure. This report shall disclose the same information required by subdivision (b) of Section 84204 and shall be filed within 24 hours of the time the independent expenditure is made.~~

~~(b) An expenditure may not be considered independent, and shall be treated as **Coordinated Expenditure Is a Contribution.** An expenditure is not independent if made in coordination with the candidate. A coordinated expenditure is a contribution from the person making the expenditure to the candidate on whose behalf, or for whose benefit, the expenditure is made, if the expenditure is made under any of the following circumstances:~~

~~(a) the expenditure is made.~~

~~(b) **Circumstances of Coordination.** An expenditure is coordinated with a candidate if it is made:~~

- ~~(1) with the cooperation of, or in consultation with, the candidate on whose behalf, or for whose benefit, the expenditure is made, or any controlled committee or any agent of the candidate;~~
- ~~(2) The expenditure is made in concert with, or at the request or suggestion of, the candidate on whose behalf, or for whose benefit, the expenditure is made, or any controlled committee or any agent of the candidate; or~~
- ~~(3) The expenditure is made under any arrangement, coordination, or direction with respect to between the candidate or the candidate's agent and the person making the expenditure.~~

§ 85505. § 86301. Independent Expenditures; 24-Hour Disclosure. (85500)

~~In addition to any other report required by this title, a committee—including a political-party committee—that is required to file reports under § 84305 and that makes independent expenditures of \$1,000 or more on or within 90 days before the date of the election in connection with a candidate for elective state office or a state ballot measure, must file a report electronically with the Secretary of State disclosing the independent expenditure. This report must disclose the same information required by § 84202(b) and must be filed within 24 hours of the time the independent expenditure is made.~~

§ 86302. Internet Display of Independent Expenditures; 24-Hour Disclosure Report. (85505)

- (a) ~~The Public Disclosure.~~ For a candidate for elective state office or a statewide ballot measure, the Secretary of State ~~shall include~~will publish on the ~~Internet Web site of the Secretary of State's office,~~ as part of the campaign finance activity that is publicly disclosed ~~office's website,~~ any independent expenditure; as defined ~~in Section 82031,~~ that is reported pursuant to Section 85500 with respect to a candidate for elective state office and a statewide ballot measure ~~by § 82037 and reported under § 86301.~~ This information ~~shall~~will be linked to the part of the ~~Web site~~website that the Secretary of State maintains ~~concerning~~for that candidate or ballot measure.
- (b) ~~It is the intent of the Legislature that~~Form Requirements. All forms created for ~~the purpose of filing the online or electronic report required pursuant to Section 85500~~report electronically under § 86301 will include a separate field for the filer to input the legislative district number and the number or letter of a statewide ballot measure.

§ 85501-§ 86303. Prohibition on Independent Expenditures by Candidate or Officeholder- Controlled Committees. (85501)

A candidate's controlled committee ~~of a candidate may not~~cannot make independent expenditures and ~~may not~~cannot contribute funds to another committee ~~for the purpose of making~~to make independent expenditures to support or oppose other candidates.

§ 84305. Requirements for Mass Mailing.

Except as provided in subdivision (b), no candidate or committee shall send
Chapter 7. Advertisements: Disclaimers and Prohibitions (§ 87100– § 87400)

Article 1. Disclaimers on Mass Mailings and Telephone Calls.

§ 87100. Disclaimers on Mass Mailings. (84305)

- (a) **Sender's Name and Information.** A mass mailing ~~unless sent by a candidate or committee must include~~ the name, street address, and city of the candidate or committee ~~are shown~~ on the outside of each piece of mail ~~in the mass mailing~~ and on at least one of the inserts included ~~within each piece of mail of the mailing in no less than 6 point type which shall be in a color or print which contrasts with the background so as to be easily legible,~~ in each piece of mail, unless provided in (b). A post-office-box number may be stated ~~in lieu~~instead of a street address if the ~~organization's~~candidate's or committee's address is a matter of public record with the Secretary of State.
- (b) **Single Candidate or Committee Sender.** If the sender of the mass mailing is a single candidate or committee, the name, ~~street and~~ address, ~~and city~~ of the candidate or committee ~~need~~may be shown only ~~be shown~~ on the outside of each piece of mail.
- (c) **Controlled Committee Sender.** If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee ~~shall~~must be included in addition to the information required by ~~subdivision~~ (a).

- (d) **§ 84310. Identification Print Requirements.** All information required by this section must be in 6-point or larger type and in a color that contrasts with the background so it is easily legible.

§ 87101. Disclosure Requirements for Telephone Calls. (84310)

- (a) **Who Paid for the Call.** A candidate, committee, or slate-mailer organization ~~may not expend campaign funds, that~~ directly or indirectly, spends campaign funds to pay for 500 or more similar telephone calls ~~that are similar in nature and aggregate 500 or more in number~~, made by an individual, one or more individuals, or by electronic means ~~and, that advocate support of, supporting or opposition to, opposing~~ a candidate, ballot measure, or both, unless must disclose during the course of each call the name of the candidate, committee, or slate-mailer organization that ~~authorized or paid for the call is disclosed to the recipient of.~~
- (b) **Who Authorized the Call.** ~~Unless the organization that~~ Instead of disclosing the candidate, committee, or slate-mailer organization that paid for the call, the person who authorized the call may be disclosed if: (1) the person who authorized the call, and in whose name it is placed, has filing obligations under this title, and (2) the name announced in the call either is the full name used by which the organization or individual is identified person in any statement or report required to be filed under this title or is the name by which the organization or individual person is commonly known, the
- (c) **Recordkeeping.** A candidate, committee, or slate-mailer organization that ~~paid~~ pays for telephone calls under (a) must keep the script of the call shall for the period stated in § 83200. If any of the calls under (a) are recorded messages, a copy of the recording must be disclosed maintained for that period.
- (a)(d) **Telephone Calls by Candidates or Volunteers.** This section ~~shall~~ does not apply to telephone calls made by ~~the~~ a candidate, the campaign manager, or ~~individuals who are~~ volunteers for a candidate or committee.
- (a) ~~Campaign and ballot measure committees are prohibited from contracting with any phone bank vendor that does not disclose the information required to be disclosed by subdivision (a).~~
- (b) ~~A candidate, committee, or slate-mailer organization that pays for telephone calls as described in subdivision (a) shall maintain a record of the script of the call for the period of time set forth in Section 84104. If any of the calls qualifying under subdivision (a) were recorded messages, a copy of the recording shall be maintained for that period.~~

§ 84501. Article 2. Disclaimers on Ballot-Measure and Independent-Expenditure Advertisements.

§ 87200. Advertisement; Definition. (84501, 18450.1)

- (a) “Advertisement” means ~~any~~ a general or public ~~advertisement which~~ communication that is authorized and paid for by a person or committee ~~for the purpose of supporting to support or opposing oppose~~ a candidate for elective office or a ballot measure ~~or ballot measures.~~, and that is disseminated by radio, telephone, print, television, video, or other electronic media. “Advertisement” does not include ~~a communication.~~
- (a) communications from an organization ~~other than a political party~~ to its members, a under § 85504;
- (b) small, tangible campaign ~~button items where including the disclaimer is not feasible or practical, such as campaign buttons~~ smaller than 10 inches in diameter, ~~a bumper sticker stickers~~ smaller than 60 square inches, ~~or t-shirts, and pens; and~~
- (a)(c) any other advertisement communication as determined by Commission regulations ~~of the Commission.~~

§ 84502. § 87201. Cumulative Contributions; Definition. **(84502)**

“Cumulative contributions” means the cumulative amount of contributions received by a committee beginning 12 months ~~prior to before~~ the date the committee ~~made makes~~ its first expenditure to qualify, support, or oppose the ~~ballot~~ measure and ending within seven days ~~of after~~ the time the advertisement is sent to the printer or ~~broadcast station broadcaster or is otherwise disseminated~~.

§ 84504. § 87202. Ballot-Measure Committee Name. **(84504)**

- (a) ~~Any~~ **Name Requirements.** A committee that ~~supports is~~ **primarily formed to support** or ~~opposes~~ **oppose** one or more ballot measures ~~shall must~~ name and identify itself ~~using in accordance with the following.~~
- (1) ~~The committee must use~~ a name or phrase that clearly identifies the economic or ~~other~~ special ~~interest interests~~ of its major donors of ~~fifty thousand dollars (\$50,000)~~ or more ~~in any reference to the committee required by law, including, but not limited, to its statement of organization filed pursuant to Section 84101.~~
 - (2) If the major donors of ~~fifty thousand dollars (\$50,000)~~ or more share a common employer, the identity of the employer ~~shall must~~ also be disclosed.
- ~~(a) Any committee which supports or opposes a ballot measure, shall print or broadcast its name as provided in this section as part of any advertisement or other paid public statement.~~
- (3) If candidates or their controlled committees, as a group or individually, meet the contribution thresholds ~~for a person as major donors of \$50,000 or more~~, they ~~shall must~~ be identified by the controlling candidate’s name.

- (b) **§ 84503. Use of Name.** The name as determined by this section must be used by the committee in all:
- (1) ~~legally required references to the committee, including its statement of organization filed under § 83102; and~~
 - (2) ~~advertisements or other paid public statements.~~

§ 87203. Disclaimer; Ballot-Measure Ads. **(84503)**

- (a) ~~Any \$50,000 Donors. An~~ advertisement for or against ~~any a~~ ballot measure ~~shall that is paid for by a ballot-measure committee must~~ include a disclosure statement identifying any person whose cumulative contributions ~~to the committee~~ are ~~fifty thousand dollars (\$50,000)~~ or more.
- (b) **Top Two Donors.** If there are more than two donors of ~~fifty thousand dollars (\$50,000)~~ or more, the ~~ballot-measure~~ committee ~~is only required to must~~ disclose ~~only~~ the highest and second highest, in that order. ~~In the event that If~~ more than two donors meet this disclosure threshold at identical contribution levels, the highest and second highest ~~shall be selected according to chronological sequence must be the two most recent donors.~~

§ 84511. § 87204. Ballot-Measure Ads; Paid-Spokesperson Disclosure. **(84511)**

- (a) **Application.** This section applies to a committee that ~~does either of the following:~~
- (1) ~~makes an expenditure of five thousand dollars (\$5,000) or more to someone for his or her appearance in an individual advertisement that supports or opposes the qualification, passage, or defeat of a ballot measure; or~~
 - ~~(1) makes an expenditure of any amount to someone for his or her appearance in an advertisement that supports or opposes the qualification, passage, or defeat of a ballot measure-~~
 - (2) ~~Makes an expenditure of any amount to an individual for his or her appearance in an advertisement that supports or opposes the qualification, passage, or defeat of a ballot measure,~~

and that states or suggests that the individual is a member of an occupation that requires licensure, certification, or other specialized, documented training as a prerequisite to engage in that occupation.

- (b) ~~A committee described in subdivision (a) shall file,~~ **Required Report.** Within 10 days of the expenditure, a committee described in (a) must file a report that includes ~~all of~~ the following:
- (1) ~~An identification of~~ the measure that is the subject of the advertisement;
 - (2) the date of the expenditure;
 - (3) the amount of the expenditure;
 - (4) the name of the recipient of the expenditure; and
 - (5) for a committee described in ~~paragraph ((a)(2) of subdivision (a)),~~ the occupation of the recipient of the expenditure.
- (c) **Paid-Spokesperson Disclosure.** An advertisement paid for by a committee described in ~~paragraph ((a)(1) of subdivision (a) shall~~ must include a disclosure statement stating ~~“(“[spokesperson’s name]) is being paid by this campaign or its donors” in highly visible font shown continuously if the advertisement consists of printed or televised material, or spoken in a clearly audible format if the advertisement is a radio broadcast or telephonic message.”~~
- (d) ~~(+)~~ **Occupational-Spokesperson Disclosure.** An advertisement paid for by a committee described in ~~paragraph ((a)(2) of subdivision (a) shall~~ must include a disclosure statement stating: “Persons portraying members of an occupation in this advertisement are compensated spokespersons not necessarily employed in those occupations” ~~in highly visible font shown continuously if the advertisement consists of printed or televised material, or spoken in a clearly audible format if the advertisement is a radio broadcast or telephonic message.”~~
- (e) **Exception.** A committee may omit the disclosure statement required by ~~this subdivision (d) if all of the following are satisfied with respect to, for~~ this subdivision (d) if each individual identified in the required report filed ~~pursuant to subdivision under (b) for that advertisement;~~
- (1) the occupation identified in the report is substantially similar to the occupation portrayed in the advertisement; and
 - (2) the committee maintains credible documentation of the individual’s appropriate license, certification, or other training as evidence that the individual ~~may is entitled to~~ engage in the occupation identified in the report and portrayed in the advertisement, and makes that documentation ~~immediately~~ upon immediately on request.
- (f) **§ 84506. Requirements of Disclosure Statements.** A disclosure statement required by this section must appear in a highly visible font shown continuously if the advertisement consists of printed or televised material, or be spoken in a clearly audible format if the advertisement is a radio broadcast or telephonic message.

§ 87205. Disclaimer; Independent-Expenditure Ads. **(84506)**

- (a) **Disclaimer.** An advertisement supporting or opposing a candidate or ballot measure, ~~that is~~ paid for by an independent expenditure, ~~shall~~ must include a disclosure statement that identifies both ~~of the following:~~
- (1) the name of the committee making the independent expenditure; and
 - (2) the names of the persons from whom the committee ~~making the independent expenditure~~ has received its two highest cumulative contributions of ~~fifty thousand dollars (\$50,000)~~ or more during the 12-month period ~~prior to before~~ the expenditure. If the committee can show, ~~on the basis~~ that contributions are spent in the order they are received, and that ~~the~~ contributions received from the two highest contributors have been used for expenditures unrelated to the candidate or ballot measure featured in the communication, the committee ~~shall~~ must disclose the contributors making the next largest cumulative contributions of ~~fifty thousand dollars (\$50,000)~~ or more.

- (b) **Acronyms.** If an acronym is used to identify ~~any~~ committee ~~names required by name under~~ this section, the names of any sponsoring organization of the committee ~~shall be printed~~ must appear on print or electronic-media advertisements or spoken in broadcast advertisements.

§ 84506.5. § 87206. Disclaimer; Independent-Expenditure Ads; Not Authorized by Candidate. **(84506.5)**

- (a) **Disclaimer.** An advertisement supporting or opposing a candidate that is paid for by an independent expenditure must include the following statement: “This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office.”
- (b) **Mailed Advertisements.** In addition to the requirements of ~~Section 84507~~ § 87207, a mailed advertisement ~~subject to under~~ this section ~~shall~~ must also comply with ~~each of~~ the following:
- (1) The disclosure statement in ~~subdivision (a)~~ shall must be ~~located~~ printed on the advertisement within one quarter of an inch of the recipient’s name and address ~~as printed on the advertisement~~.
- (2) The text of the disclosure statement ~~shall~~ must be contained in a box with an outline ~~that has~~ with a line weight of at least 3.25 ~~pt.~~ point.
- (A) The box’s background color ~~of the box shall~~ must be in a contrasting color to the advertisement’s background ~~of the advertisement~~.
- (B) The box’s outline ~~of the box shall~~ must be in a contrasting color to both the advertisement’s background color ~~of the advertisement~~ and the box’s background color ~~of the box~~.
- (A)(C) The color of the text ~~shall~~ must be in a contrasting color to the box’s background color ~~of the box~~.

§ 84507. § 87207. Disclaimer; Legible and Audible. **(84507)**

~~Any~~ Unless otherwise specified, a disclosure statement required by this article ~~shall~~ must be printed ~~clearly and legibly~~ in ~~no less than~~ 14-point or larger, bold, sans-serif ~~type~~ font and in a legible and conspicuous manner as defined by the Commission or, if the communication is broadcast, the information ~~shall~~ must be spoken so as to be clearly audible and understood by the ~~intended~~ public and otherwise appropriately conveyed for the hearing impaired.

§ 84508. § 87208. Disclaimer; Small Ad. **(84508)**

If disclosure of two major donors is required by ~~Sections 84503 and 84506~~ § 87203 or § 87205, the committee ~~shall be required to~~ must disclose, in addition to the committee name, only its highest major contributor ~~in any if an~~ advertisement ~~which~~ is:

- (a) an electronic broadcast of 15 seconds or less; or
- (b) a newspaper, magazine, or other public print-media advertisement ~~which~~ that is 20 square inches or less.

§ 84505. § 87209. Avoidance of Disclosure. **(84505)**

In addition to the requirements of ~~Sections 84503, 84504, 84506~~ §§ 87202, 87203, 87205, and ~~84506.5~~ 87206, the committee placing the advertisement or persons acting in concert with that committee ~~shall be~~ are prohibited from creating or using a noncandidate-controlled committee or a nonsponsored

committee to avoid ~~disclosure~~ or that results in ~~the avoidance of, the disclosure of~~ avoiding disclosing any individual, industry, business entity, controlled committee, or sponsored committee as a major funding source.

§ 84509. § 87210. Amended Disclaimers. **(84509)**

When a committee files an amended campaign statement ~~pursuant to Section 81004.5~~ under § 84402, the committee ~~shall~~ must change its advertisements to reflect the changed disclosure information.

§ 84305.5. Article 3. Slate-Mailer Disclaimer Requirements.

§ 87300. Slate-Mailer Identification and Disclaimer Requirements. **(84305.5)**

~~(a) No slate Disclaimers. If a slate-mailer organization or committee primarily formed to support or oppose one or more ballot measures sends a slate mailer, it must include:~~

~~(a) Name and address. The name, street address, and city of the slate-mailer organization or committee primarily formed to support or oppose one or more ballot measures shall send a slate mailer unless:~~

~~(1) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures are shown on the outside of each piece of slate mail and on at least one of the inserts included within each piece of slate mail in no less than 8-point or larger roman type, which shall must be in a color or print which that contrasts with the background so as to be easily legible. A post-office-box number may be stated in lieu instead of a street address if the street address of the slate-mailer organization or the committee primarily formed to support or oppose one or more ballot measure is a matter of public record with the Secretary of State's Political Reform Division State.~~

~~(1) At the top or bottom of the front side or surface of at least one insert or at the top or bottom of one side or surface of a postcard or other self-mailer, there is a notice in at least 8-point roman boldface type, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter. The notice shall consist of Notice to voters. The following statement:~~

NOTICE TO VOTERS

~~(2) notice: "Notice to Voters. THIS DOCUMENT WAS PREPARED BY ([name of slate-mailer organization or committee primarily formed to support or oppose one or more ballot measures]), NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. Appearance in this mailer does not necessarily imply endorsement of others appearing in this mailer, nor does it imply endorsement of, or opposition to, any issues set forth in this mailer. Appearance is paid for and authorized by each candidate and ballot measure which is designated by an *.*."~~

~~(2) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures as required by paragraph (1) and the notice required by paragraph (2) may appear on the same side or surface of an insert.~~

~~(A) The notice must be located at the top or bottom of the front side or surface of at least one insert, or at the top or bottom of one side or surface of a postcard or other self-mailer.~~

~~(B) The notice must be in 8-point or larger roman boldface type, in a color or print that contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter.~~

~~(3) Designation of candidates and measures that paid to appear. Each candidate and each ballot measure that has paid to appear in the slate mailer is must be designated by an *. Any "*" and this~~

symbol cannot be used if a candidate or ballot measure that has not paid to appear in the slate mailer is not designated by an *.

(A) The “*” required by this subdivision shall must be of the same type size, ~~type~~-style, color or contrast, and legibility as ~~is~~ used for the name of the candidate or the ballot measure name or number and position advocated, to which the “*” designation applies except that in no case shall may the “*” be required to be larger than 10-point boldface type.

(B) The designation shall must immediately follow the candidate’s name ~~of the candidate~~, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. ~~If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.~~

~~(3) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point roman type which shall be in a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office.~~

(C) For purposes of the designations required by paragraph (4) of subdivision (a), If there is no slate listing, the designation must appear at least once in 8-point or larger boldface type, immediately following the candidate’s name, or the name or number and position advocated on the ballot measure.

~~(C)(D) The payment of any sum made reportable by subdivision § 84603(c) of Section 84219 by or at the behest of request of or in cooperation with a candidate or committee, whose name or position appears in the mailer, to the slate-mailer organization or committee primarily formed to support or oppose one or more ballot measures, shall will constitute a payment to appear, requiring the * designation. The payment shall also be deemed to constitute and~~
authorization to appear in the mailer.

(b) § 84305.7. Political-Party Designation. In a slate mailer, the name of a candidate who is a member of a political party different from the political party that the mailer represents (or appears to represent by other indicators) must be accompanied, immediately below the name, by the candidate’s party designation, in 9-point or larger roman type that must be in a color or print that contrasts with the background so as to be easily legible. This designation is not required in the case of candidates for nonpartisan office.

§ 87301. Slate Mailer Requirements; Mailers Cannot Use of Logos Government or “Public-Safety” Names. Logos Without Authorization. (84305.7)

(a) **Government Logo.** If a slate-mailer organization sends a slate mailer or other mass mailing that displays a logo, insignia, emblem, or trademark that is identical or substantially similar to ~~the logo, insignia, emblem, or trademark that~~ of a governmental agency, and that would reasonably be understood to imply the participation or endorsement of that governmental agency, the slate-mailer organization shall must obtain the express written consent of the relevant governmental agency associated with the logo, insignia, emblem, or trademark ~~prior to using the logo, insignia, emblem, or trademark before use~~ in ~~the~~ slate mailer or other mass mailing.

(b) **Public-Safety Logo.** If a slate-mailer organization sends a slate mailer or other mass mailing that displays a logo, insignia, emblem, or trademark that is identical or substantially similar to ~~the logo, insignia, emblem, or trademark that~~ of a nongovernmental organization that represents law-enforcement, firefighting, emergency-medical, or other public-safety personnel, and that would reasonably be understood to imply the participation or endorsement of that nongovernmental organization, the slate-mailer organization shall must obtain the express written consent of the

nongovernmental organization ~~associated with the logo, insignia, emblem, or trademark prior to using the logo, insignia, emblem, or trademark before use~~ in the slate mailer or other mass mailing.

- (c) **Members of Organization.** If a slate-mailer organization sends a slate mailer or other mass mailing that identifies itself or its source material as representing a nongovernmental organization with a name that includes the term “~~peace officer,~~” “~~reserve officer,~~” “~~deputy,~~” “~~deputy sheriff,~~” “~~sheriff,~~” “~~police,~~” “~~highway patrol,~~” “~~California Highway Patrol,~~” “~~law enforcement,~~” “~~firefighter,~~” “~~fire marshal,~~” “~~paramedic,~~” “~~emergency medical technician,~~” “~~public safety,~~” or ~~any other~~another term that would reasonably be understood to imply that the organization is composed of, or affiliated with, law enforcement, firefighting, emergency medical, or other public safety personnel, the slate mailer or mass mailing ~~shall~~must disclose ~~on the outside of each piece of mail and on at least one of the inserts included with each piece of mail in no less than 12-point roman type, which shall be in a color or print that contrasts with the background so as to be easily legible,~~ the total number of members in the nongovernmental organization identified in ~~the slate mailer or mass mailing it:~~

- (1) ~~§ 89001,~~ on the outside of each piece of mail;
- (2) on at least one of the included inserts;
- (3) in 12-point or larger roman type; and
- (4) in a color or print contrasting with the background so as to be easily legible.

Article 4. Newsletter or Mass Mailing.

§ 87400. No Newsletter or Mass Mailing at Public Expense. (89001)

Unless permitted by Commission regulations, no newsletter or other mass mailing ~~shall~~may be sent at public expense.

§ 89503. Chapter 8. Gifts, Travel, Honoraria, and Fundraising (§ 88100–§ 88400)

Article 1. Gifts.

§ 88100. Gift Limits. (89503)

- (a) ~~No~~Individuals Subject to Gift Limits. In any calendar year, the following individuals must not accept, from any single source, gifts valued at more than the current gift limit as set by Commission regulation:
- (1) An elected state officer, elected officer of a local government agency, or ~~other individual~~anyone else specified in ~~Section 87200 shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250).~~§ 89200.
 - (2) ~~(1) No~~A candidate for elective state office, ~~for~~ judicial office, or ~~for~~ elective office in a local government agency ~~shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250).~~ A person shall be deemed,
 - (A) Someone is considered a candidate ~~for purposes of~~under this subdivision when ~~the person~~he or she has filed a statement of organization asto form a committee for election to a state or local office, a declaration of intent, or a declaration of candidacy, whichever occurs first. ~~A person shall not be deemed a candidate for purposes of this subdivision after he or she is sworn into the elective office, or, if the person lost the election, after the person has~~

terminated his or her campaign statement filing obligations for that office pursuant to Section 84214 or after certification of the election results, whichever is earlier.
(2) Paragraph (1) shall not apply to any person who is a candidate as described in paragraph (1) for judicial office on or before December 31, 1996.

(B) ~~No~~ Someone is not considered a candidate under this subdivision after he or she is sworn into the elective office, or, if he or she lost the election, after he or she has terminated his or her campaign-statement filing obligations for that office under § 84500, or after certification of the election results, whichever occurs first.

(2)(3) ~~A~~ member of a state board or commission, or ~~a~~ designated ~~employee~~ individual of a state or local government agency ~~shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty (\$250), if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.~~

(b) **Exempt Individuals.** This section ~~shall~~ does not apply to ~~a person~~ someone in his or her capacity as a judge. ~~This section shall not apply to a person in his or her capacity as a part-time member of the governing board of any public institution of higher education unless education's governing board that position is not an elective office.~~

(c) **Exempt Gifts.** This section ~~shall~~ does not prohibit or limit the following:

(1) ~~Payments, advances~~ Payment, advance, or reimbursements reimbursement for travel ~~and, including~~ related transportation, lodging, and subsistence meals, permitted by ~~Section 89506~~ § 88200.

(2) Wedding gifts and gifts exchanged between individuals on birthdays, holidays, ~~and other~~ or similar occasions, ~~provided that unless~~ the gifts exchanged gifts are ~~not~~ substantially disproportionate in value.

(d) **Beginning on January 1, 1993, Gift Limit Amount and Adjustment.** The Commission ~~shall~~ will adjust the gift ~~limitation in this section~~ limit amount by regulation on January 1 of each odd-numbered year to reflect changes in the Consumer Price Index, rounded to the nearest ~~ten dollars (\$10)~~ \$10. The gift-limit amount in 2017 is \$470, as adjusted from the base limit of \$250 enacted in 1990.

(e) **Additional Gift Limits.** The ~~limitations~~ limits on gifts in this section are in addition to the ~~limitations~~ limits on gifts ~~in Section 86203.~~

(e) ~~§ 87210. Gifts Made Through Intermediaries~~ from lobbyists and Others—lobbying firms in § 90032.

§ 88101. Receipt and Acceptance of Gift. (18941)

Unless further defined by Commission regulations, a gift is both “received” and “accepted” when the public official, or the official’s family member, knowingly takes actual possession of the gift, is provided the benefit of the gift, or takes any action exercising direction or control over the gift.

§ 88102. Source of Gift; Use of Intermediary or Agent; Disclosure Requirements. (87210, 87313, 18945)

(a) ~~No~~ **Source of Gift.** The person shall make a gift totaling fifty dollars (\$50) or more in a calendar year who makes the gift to a—the official is the source of the gift unless that person described in Article 2 is acting as an intermediary or agent.

(a)(b) **Use of Intermediary or Agent.** If a person makes a gift, as specified below, on behalf of another, or while acting as the intermediary or agent of another, ~~without disclosing to an individual who is required to disclose the gift on a statement of economic interests, the intermediary or agent must disclose~~ to the recipient ~~of the gift both his~~ their own full name, street address, and business activity, if any, and the ~~full name, street address, and business activity, if any,~~ same information of the actual donor. ~~The recipient of the gift shall include in his Statement of Economic Interests the full name,~~

~~street address, and business activity, if any, of~~ The recipient must disclose the information of both the intermediary or agent and the actual donor on his or her statement of economic interests. This applies to:

§ 87313. Gifts Made Through Intermediaries and Others – Disclosure Requirements.

~~(1) No Designated Individuals. If the person shall make~~ makes a gift of ~~fifty dollars (\$50)~~ or more in a calendar month ~~on behalf of another, or while acting as the intermediary or agent of another to a person~~ anyone whom he ~~or she~~ knows or has reason to know may be required to disclose the gift ~~pursuant to under~~ a conflict-of-interest code, ~~without disclosing to.~~

~~(+)(2)~~ (2) High-level filers. If the recipient of the person makes a gift both his own full name, street address, and business activity, if any, and the full name, street address, and business activity, if any, of the actual donor. The recipient of the gift shall include of \$50 or more in his Statement of Economic Interests the full name, street address, and business activity, if any, of the intermediary or agent and the actual donor a calendar month to anyone listed in § 89200.

§ 89506. Article 2. Travel.

§ 88200. Travel Exempt from Gift Limits but Reportable. (89506)
Exempt Travel; Public Purpose. Payments, advances ~~and Reimbursements.~~

(a) ~~Payments, advances, or reimbursements for travel, including actual~~ related transportation ~~and related, lodging, and subsistence meals,~~ that is reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy, are not ~~prohibited or limited by~~ subject to the gift limits under this chapter if either of the following applies:

(1) Travel for speech. The travel is ~~in connection~~ connected with a speech given by the ~~elected state officer, local elected officeholder, candidate for elective state office or local elective office, an individual specified in Section 87200, member of a state board or commission, or designated employee of a state or local government agency,~~ and the related lodging and ~~subsistence meal~~ expenses are limited to the day immediately ~~preceding before,~~ the day of, and the day ~~immediately following after~~ the speech, and the travel is within the United States.

(2) Travel paid for by government or 501(c)(3) organization. The travel is provided by a government, a governmental agency, a foreign government, a governmental authority, a bona fide public or private educational institution; as defined in ~~Section 203 of the~~ Revenue and Taxation Code § 203, a nonprofit organization that is tax-exempt ~~from taxation under Section 501(c)(3) of the Internal Revenue Code, § 501(c)(3), or by~~ a person domiciled outside the United States who substantially satisfies the requirements for tax-exempt status under ~~Section 501(c)(3) of the Internal Revenue Code, § 501(c)(3).~~

~~(a) Gifts of Reportable. Although not subject to limits, the travel not described in subdivision under (a) are subject to the limits in Section 89503.~~

~~(b) Subdivision (a) applies only to travel that is is considered a gift and must be reported on the recipient's statement of economic interests.~~

~~(c) For purposes of Inapplicable. This section, a gift of travel does not include any of the apply to payments, advances, or reimbursements for travel, including related transportation, lodging, and meals permitted or limited by Code of Civil Procedure § 170.9.~~

§ 88201. Travel Not Considered a Gift. (89506(d))

The following travel is not subject to limits or reportable as a gift on the recipient's statement of economic interests:

(a) Paid by Campaign. Travel ~~that is paid for~~ from campaign funds; as permitted by Article 4 ~~(commencing 2 (beginning with Section 89510), § 86200) of Chapter 6,~~ or that is a contribution.

- (b) **Paid by Agency.** Travel ~~that is~~ provided by the agency of a local elected officeholder, an elected state officer, a member of a state board or commission, an individual specified in ~~Section 87200~~ § 89200, or a designated ~~employee~~ individual.
- (c) **For Business, Trade, or Profession.** Travel that is reasonably necessary ~~in connection with~~ for a bona fide business, trade, or profession and that satisfies the criteria for federal income-tax deduction for business expenses in ~~Sections 162 and 274 of the~~ Internal Revenue Code, ~~§§ 162 and 274~~ unless the sole or predominant activity of the business, trade, or profession is making speeches.
- (d) **Otherwise Exempt.** Travel that is ~~excluded from the definition of~~ not considered a gift by any other provision of this title.
- ~~(b) This section does not apply to payments, advances, or reimbursements for travel and related lodging and subsistence permitted or limited by Section 170.9 of the Code of Civil Procedure.~~

(1) A § 88202. Nonprofit Organization Funding Elected Official's Travel; Disclosure Requirements. (89506(f))

- (a) **Qualifying Nonprofits.** If a nonprofit organization ~~that~~ regularly organizes and hosts travel for elected officials ~~and that makes payments, advances, or reimbursements that total, and that nonprofit organization has paid for travel that is related to elected state or local officials as described in § 88200(a) and that totals more than ten thousand dollars (\$10,000) in a calendar year, or that total more than five thousand dollars (\$5,000) in a calendar year for a single person, for travel by an elected state officer or local elected officeholder as described in subdivision (a) shall~~ individual, the nonprofit organization must disclose to the Commission the names of donors who ~~did both of the following, in the preceding year, both:~~
 - (1) donated ~~one thousand dollars (\$1,000)~~ or more to the nonprofit organization; ~~and~~
 - (2) accompanied an elected ~~state officer or local elected officeholder, official~~ either personally or through an agent, employee, or representative, for any ~~portion part~~ of travel described in ~~subdivision § 88200(a).~~
- (b) ~~For purposes of this subdivision~~ **Regularly Organizes and Hosts; Definition.** Under this section, an organization “regularly organizes and hosts travel for elected officials” if the sum of ~~the organization's~~ expenses ~~that relate~~ relating to any of the following types of activities ~~with regard to~~ of elected officials was greater than one-third of its total expenses reflected on the organization's Internal Revenue Service Form 990, or the equivalent, filed most recently within the last 12 months:
 - (1) travel;
 - (2) study tours; ~~and~~
 - (3) conferences, conventions, and meetings.
- (c) ~~This subdivision~~ **Donor as Source of Travel Gift.** This section does not preclude a finding that a nonprofit organization is acting as an intermediary or agent of ~~the donor. If the nonprofit organization is acting as an intermediary or agent of the donor, all of the following apply~~ a donor. If that finding is made, then:
 - (1) the donor to the nonprofit organization is the source of the gift;
 - (2) the donor ~~shall~~ must be identified as a financial interest under ~~Section 87403~~ § 89101;
 - (3) the gift ~~shall~~ must be reported as required by ~~Section 87207~~ § 89208; ~~and~~
 - (4) the gift ~~shall be~~ is subject to the ~~limitations on gifts specified~~ gift limits in ~~Section 89503~~ § 88100.
- (d) ~~For purposes of~~ **Scope.** Under this ~~subdivision~~ section, a nonprofit organization includes an organization that is exempt from taxation under ~~Section 501(c)(3) or Section 501(c)(4) of the~~ Internal Revenue Code, § 501(c)(3) or (c)(4).

§ 89501. Article 3. Honoraria.

For purposes of this chapter, § 88300. Honorarium; Definition. (89501)

- (a) **Definition.** “Honorarium” means, ~~except as provided unless exempted in subdivision (b),~~ any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like similar gathering.
- (b) **Exemptions.** The term “honorarium” does not include:
- (1) **Earned income.** Earned income for personal services ~~which that~~ are customarily provided in connection with the practice of a bona fide business, trade, or profession, such as teaching, practicing law, medicine, insurance, real estate, banking, or building contracting, unless the sole or predominant activity of the business, trade, or profession is making speeches. The Commission ~~shall will~~ adopt regulations to implement this subdivision.
 - (2) **Any honorarium which Returned payments. A payment that** is not used and, within 30 days after receipt, is either returned to the donor or delivered to the State Controller for donation to the general fund, or in the case of a public official for local government agency, delivered to ~~his or her~~ the public official’s agency for donation to an equivalent fund, without being claimed as a deduction from income for tax purposes.
 - (3) ~~Section 89506 shall apply to all~~ **Specified travel payments, advances. A payment, advance, or reimbursements reimbursement** for travel ~~and, including~~ related transportation, lodging, and meals, as provided for under §§ 88200 and subsistence 88201.

§ 89502. Honorarium.

No § 88301. Honoraria Prohibited for Elected Officers and Candidates for Office. (89502)

- (a) **Honoraria Ban.** The following must not accept an honorarium:
- (1) ~~An~~ A elected state officer, elected officer of a local government agency, or ~~other individual anyone else~~ specified in ~~Section 87200 shall accept any honorarium § 89200.~~
 - (2) ~~(1) No~~ A candidate for elective state office, ~~for~~ judicial office, or ~~for~~ elective office in a local government agency ~~shall accept any honorarium. A person shall be deemed.~~
 - (A) ~~Someone is considered~~ A candidate ~~for purposes of under~~ this subdivision ~~when the person has filed on filing~~ a statement of organization as a committee for election to a state or local office, a declaration of intent, or a declaration of candidacy, whichever occurs first. ~~A person shall not be deemed a candidate for purposes of this subdivision after he or she is sworn into the elective office, or, if the person lost the election after the person has terminated his or her campaign statement filing obligations for that office pursuant to Section 84214 or after certification of the election results, whichever is earlier.~~
 - (2) ~~Paragraph (1) shall not apply to any person who is a candidate as described in paragraph (1) for judicial office on or before December 31, 1996.~~
 - (B) ~~No~~ Someone is not considered a candidate under this subdivision after he or she is sworn into the elective office, or, if he or she lost the election, after he or she has terminated his or her campaign statement filing obligations for that office under § 84500, or after certification of the election results, whichever occurs first.
 - (2)(3) A member of a state board or commission ~~and nor~~ a designated ~~employee individual~~ of a state or local government agency ~~shall accept an honorarium from any source~~ if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.
- (b) **Exempt Individuals.** This section ~~shall does~~ not apply to ~~a person someone~~ in his or her capacity as a judge. ~~This section shall not apply to a person in his or her capacity as a part-time member of the governing board of any public institution of higher education unless education’s governing board that position is not an elective office.~~

§ 82015. Contribution.

- (a) ~~“Contribution” means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes.~~
- (b) (1) ~~A payment made at the behest of a committee, as defined in subdivision (a) of Section 82013, is a contribution to the committee unless full and adequate consideration is received from the committee for making the payment.~~
- (2) ~~A payment made at the behest of a candidate is a contribution to the candidate unless the criteria in either subparagraph (A) or (B) are satisfied:~~
- ~~(A) Full and adequate consideration is received from the candidate.~~
- ~~(B) It is clear from the surrounding circumstances that the payment was made for purposes unrelated to his or her candidacy for elective office. The following types of payments are presumed to be for purposes unrelated to a candidate’s candidacy for elective office:~~

A payment made principally for personal purposes, in which case it may be considered a gift under the provisions of Section 82028. Article 4. Fundraising for Legislative, Governmental, or Charitable Causes

§ 88400. Elected Officers and PUC Members Fundraising for Legislative, Governmental, or Charitable Causes; Reporting. (82015)

- (i) ~~**Reporting Payments** that are otherwise subject to the limits of Section 86203 are presumed to be principally for personal purposes.~~
- (ii) ~~A payment made~~**Solicited by Elected Officers for Charitable or Governmental Purposes.** ~~Payments solicited by a state, local, or federal governmental agency or by a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. A payment by a state, local, or federal governmental agency that is made principally for legislative or governmental purposes is governed exclusively by this clause and, therefore, is not subject to the reporting requirement described in clause (iii).~~
- (a) ~~A payment not covered by clause (i), made principally for legislative, governmental, or charitable purposes, in which case it is neither a gift nor a contribution. However, payments of this type that are made at the behest of a candidate who is an elected officer shall for legislative, governmental, or charitable purposes under § 82014(b)(1)(C), must be reported under this section within 30 days following~~after ~~the date on which the payment or payments equal or exceed five thousand dollars (\$5,000) in the aggregate from the same source in the same calendar year in which they are made. The report shall~~
- (b) **Reporting Payments Solicited by PUC Members for Charitable or Governmental Purposes.** ~~Payments solicited by a member of the Public Utilities Commission, for legislative, governmental, or charitable purposes under § 82014(e)(2), must be reported under this section within 30 days after the date on which the payment or payments equal or exceed \$5,000 in the aggregate from the same source in the same calendar year in which they are made.~~
- (c) **Requirements of Reports.** ~~The reports under (a) and (b) must comply with the following requirements:~~
- ~~(1) The report must be filed by the elected officer with the elected officer’s agency and shall or by the member with the Public Utilities Commission and will be a public record subject to inspection and copying pursuant to Section 84008.—under § 90235.~~

~~(1)(2)~~ (2) The report ~~shall~~must contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, ~~the~~ name and address of the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for which the payment or payments were made.

~~(2)(3)~~ (2)(3) Once the ~~five thousand dollar (\$5,000)~~ aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source ~~shall~~must be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later. ~~Within 30 days after receipt of the report, state agencies shall forward a copy of these reports to the Commission, and local agencies shall forward a copy of these reports to the officer with whom elected officers of that agency file their campaign statements.~~

~~(C)~~ For purposes of subparagraph (B), a payment is made for purposes related to a candidate's candidacy for elective office if all or a portion of the payment is used for election-related activities. For purposes of this subparagraph, "election-related activities" shall include, but are not limited to, the following:

- ~~(i)~~ Communications that contain express advocacy of the nomination or election of the candidate or the defeat of his or her opponent.
- ~~(ii)~~ Communications that contain reference to the candidate's candidacy for elective office, the candidate's election campaign, or the candidate's or his or her opponent's qualifications for elective office.
- ~~(iii)~~ Solicitation of contributions to the candidate or to third persons for use in support of the candidate or in opposition to his or her opponent.
- ~~(iv)~~ Arranging, coordinating, developing, writing, distributing, preparing, or planning of any communication or activity described in clause (i), (ii), or (iii).
- ~~(v)~~ Recruiting or coordinating campaign activities of campaign volunteers on behalf of the candidate.
- ~~(vi)~~ Preparing campaign budgets.
- ~~(vii)~~ Preparing campaign finance disclosure statements.
- ~~(viii)~~ Communications directed to voters or potential voters as part of activities encouraging or assisting persons to vote if the communication contains express advocacy of the nomination or election of the candidate or the defeat of his or her opponent.

~~(D)~~ A contribution made at the behest of a candidate for a different candidate or to a committee not controlled by the behesting candidate is not a contribution to the behesting candidate.

~~(3)~~ (3) A payment made at the behest of a member of the Public Utilities Commission, made principally for legislative, governmental, or charitable purposes, is not a contribution. However, payments of this type shall be reported within 30 days following the date on which the payment or payments equal or exceed five thousand dollars (\$5,000) in the aggregate from the same source in the same calendar year in which they are made. The report shall be filed by the member with the Public Utilities Commission and shall be a public record subject to inspection and copying pursuant to Section 81008. The report shall contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, the name and address of the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for which the payment or payments were made. Once the five thousand dollar (\$5,000) aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source shall be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later. Within 30 days after receipt of the report, the Public Utilities Commission shall forward a copy of these reports to the Fair Political Practices Commission.

~~(e)~~ "Contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events; the candidate's own money or property used on behalf of his or her candidacy, other than personal funds of the candidate used to pay either a filing fee for a declaration

~~of candidacy or a candidate statement prepared pursuant to Section 13307 of the Elections Code; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; the payment of compensation by any person for the personal services or expenses of any other person if the services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration.~~

- ~~(d) "Contribution" further includes any transfer of anything of value received by a committee from another committee, unless full and adequate consideration is received.~~
- ~~(e) "Contribution" does not include amounts received pursuant to an enforceable promise to the extent those amounts have been previously reported as a contribution. However, the fact that those amounts have been received shall be indicated in the appropriate campaign statement.~~
- ~~(f) (1) Except as provided in paragraph (2) or (3), "contribution" does not include a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant's home or office if the costs for the meeting or fundraising event are five hundred dollars (\$500) or less.~~
 - ~~(2) "Contribution" includes a payment made by a lobbyist or a cohabitant of a lobbyist for costs related to a fundraising event held at the home of the lobbyist, including the value of the use of the home as a fundraising event venue. A payment described in this paragraph shall be attributable to the lobbyist for purposes of Section 85702.~~
 - ~~(3) "Contribution" includes a payment made by a lobbying firm for costs related to a fundraising event held at the office of the lobbying firm, including the value of the use of the office as a fundraising event venue.~~
- ~~(g) Notwithstanding the foregoing definition of "contribution," the term does not include volunteer personal services or payments made by any individual for his or her own travel expenses if the payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him or her.~~
- ~~(h) "Contribution" further includes the payment of public moneys by a state or local governmental agency for a communication to the public that satisfies both of the following:~~
 - ~~(1) The communication expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage, or defeat of a clearly identified measure, or, taken as a whole and in context, unambiguously urges a particular result in an election.~~
 - ~~(2) The communication is made at the behest of the affected candidate or committee.~~
 - ~~(i) "Contribution" further includes a payment made by a person to a multipurpose organization as defined and described in Section 84222.~~

(4) ~~§ 87100.~~ Within 30 days after receiving the report:

(A) state agencies must forward a copy of these reports to the Commission; and

(B) local agencies must forward a copy of these reports to the filing officer with whom elected officers of that agency file their campaign statements

Chapter 9. Conflicts of Interest: Prohibition, Required Disclosure, and Codes **(§ 89100–§ 89609)**

Article 1. Conflicts-of-Interest Prohibition.

§ 89100. State and Local Public Officials; State and Local Prohibition on Conflicts. (87100)

~~No~~A public official ~~at any level of state or local government shall~~must not make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which ~~he~~the official knows or has reason to know that he or she has a financial interest.

§ 87103. § 89101. Financial Interest. Interests That May Give Rise to a Conflict. (87103)

- (a) **Financial Interests.** A public official has a financial interest in a decision ~~within the meaning of Section 87100~~under § 89100 if it is reasonably foreseeable that the decision will have a material financial effect, — distinguishable from its effect on the public generally, — on the official, on a member of his or her immediate family, or on any of the following interests:
- (1) **Any Business entity.** A business entity in which the public official has a direct or indirect investment worth ~~two thousand dollars (\$2,000)~~ or more, or in which the public official is a director, officer, partner, trustee, or employee, or in which the public official holds a position of management.
 - (2) **Any Real property.** Real property in which the public official has a direct or indirect interest worth ~~two thousand dollars (\$2,000)~~ or more.
 - (3) ~~Any source of income, except gifts or loans~~**Source of income.** A source of income aggregating \$500 or more in value provided to, received by, or promised to the public official within 12 months before the decision is made. A source of income does not include a gift or loan by a commercial lending institution made in the regular course of business on terms available to the public without regard to ~~official status, aggregating five hundred dollars (\$500) or more in value provided or promised to, received by, the public official within 12 months prior to the time when the decision is made~~the public official's position.
- ~~(a) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position~~**Donor of management.**
- (4) **Any gift.** A donor ~~of, or any intermediary or agent for a donor,~~ of a gift or gifts with value aggregating ~~two hundred fifty dollars (\$250) or more in value~~than the gift limit in §88100 provided to, received by, or promised to the public official within 12 months ~~prior to the time when before~~ the decision is made. ~~The amount of the value of gifts specified by this subdivision shall be adjusted biennially by the Commission to equal the same amount determined by the Commission pursuant to subdivision (f) of Section 89503.~~
- (b) **Indirect Investment or Interest; Definition.** For ~~purposes of~~ this section, “indirect investment or interest” means any investment or interest owned by:
- (1) the spouse or dependent child of a public official, ~~by~~;
 - ~~(5)(2)~~ (2) an agent on behalf of a public official; or
 - ~~(6)(3)~~ (3) by a business entity or trust in which the official, the official's ~~agents~~agent, spouse, ~~and~~or dependent ~~children own~~child owns directly, indirectly, or beneficially, a 10-~~percent interest~~% or greater interest.

§ 87103.5. § 89102. Source-of-Income Exception; Income from Retail Sales. **(87103.5)**

- (a) ~~Notwithstanding subdivision (c) of Section 87103,~~**Exceptions.** ~~Despite § 89101, a retail customer of a business entity engaged in retail sales of goods or services to the public generally is not a source of income to an official who owns a 10 percent or greater interest in the entity if the retail customers of the business entity constitute a significant segment of the public generally, and the amount of income received by the business entity from the customer is not distinguishable from the amount of income received from its other retail customers,~~**a public official if either of the following apply.**
- (1) Notwithstanding subdivision (c) of Section 87103,**~~The official owns a 10% or greater interest in the business entity and both:~~
- (A) the retail customers of the business entity make up a significant segment of the public generally; and**
- (B) the income received by the business entity from the customer is not distinguishable from the income received from its other retail customers.**
- (2) The official is** in a jurisdiction with a population of 10,000 or less ~~which is located,~~ in a county with 350 or fewer retail businesses, ~~a retail customer of a business entity engaged in retail sales of goods or services to the public generally is not and:~~
- (A) the official owns** ~~a source of income to an official of that jurisdiction who owns a 10-~~**percent**~~10% or greater interest in the entity, if:~~
- (A)(B) the business entity's retail customers** ~~of the business entity constitute~~**make up** a significant segment of the public generally; ~~and~~
- (B)(C) the amount of** income received by the business entity from the customer does not exceed ~~one percent~~**1%** of the gross sales revenues that the business entity earned during the 12 months ~~prior to the time~~**before** the decision is made.
- (b) **Definitions.** ~~For the purposes of subdivision (b)(a)(2):~~
- (1) Population in a jurisdiction** ~~shall be~~**is** established by the ~~United States Census~~**California** **Department of Finance.**
- (2) The number of retail businesses in a county** ~~shall be~~**is** established by the previous quarter's Covered Employment and Wages Report (ES-202) of the Labor Market Information Division of the California Employment Development Department.

§ 87103.6. § 89103. Source-of-Income Exception; Payments to Government Agencies. for Application Fees. **(87103.6)**

~~Notwithstanding subdivision (c) of Section 87103, any~~ ~~Despite § 89101, a person who makes a payment to pays~~ a state ~~agency~~ or local government agency to defray the estimated reasonable costs to process any application, approval, or ~~any~~ other action, including ~~but not limited to,~~ holding public hearings and evaluating or preparing any report or document, ~~shall is~~ ~~not by reason of the payments be~~ a source of income to a ~~person who is retained or employed by the public official of the agency because of the payment.~~

§ 87100.1. § 89104. Source-of-Income Exception; Professional Engineers and Surveyors as Consultants. **(87100.1)**

- (a) **Criteria for No-Interest Status.** A registered professional engineer or licensed land surveyor who ~~renders~~**provides** professional services as a consultant to a state or local government, either directly or through a firm in which he or she is employed or ~~is~~ a principal, does not have a financial interest in a ~~governmental~~**government** decision ~~pursuant to Section 87100 whereunder § 89100 if the consultant renders professional engineering or land surveying services independently of the control and direction~~

of the public agency and does not exercise public agency decisionmaking authority as a contract city or county engineer or surveyor.;

(1) ~~For purposes of this section, the consultant renders~~provides professional engineering or land-surveying services independently of the agency's control and direction ~~of the public; and~~

(2) ~~does not exercise~~ agency ~~when decision-making authority as a contract city or county engineer or~~ surveyor.

(b) **Services Independent of Agency.** For this section, the consultant provides professional engineering or land-surveying services independently of the agency's control and direction if the consultant is in ~~responsible charge of the work pursuant to Section 6703 or 8703 of the~~ under Business and Professions Code ~~§ 6703 or § 8703.~~

(c) **Exception; Assessment District.** Subdivision (a) does not apply to ~~that portion~~the part of the work ~~that constitutes the recommendation of~~recommended under the actual formula to spread the costs of an assessment district's improvements if ~~both of the following apply:~~

(1) the engineer or surveyor has received income of ~~two hundred fifty dollars (\$250)~~ or more for professional services in connection with any parcel included in the benefit ~~assessment district~~ within 12 months ~~prior to before~~ the district's creation ~~of the district; and~~

(2) the district includes ~~other~~ parcels in addition to those ~~pareels~~ for which the engineer or surveyor received the income.

(d) **Preliminary Work Excepted.** For (c), the recommendation of the actual formula does not include preliminary site studies, preliminary engineering, plans, specifications, estimates, compliance with environmental laws and regulations, or the collection of data and information, ~~utilized~~ used in applying the formula.

§ 87101. § 89105. Legally Required Participation in Governmental Decision. (87101)

(a) **Legally Required.** Section ~~87100~~89100 does not ~~prevent any~~prohibit a public official from making or participating in ~~the making of~~ a governmental decision to the extent ~~his that the official's~~ participation is legally required for the action or decision to be made. ~~The fact that an~~

~~(a)(b)~~ **Not Legally Required.** If a public official's vote is needed only to break a tie ~~does not make his,~~ the official's participation is not legally required ~~for purposes of under~~ this section.

§ 87105. § 89106. Manner of Disqualification. (87105)

(a) **Manner.** A public official who holds an office specified in ~~Section 87200~~§ 89200 and who has a financial interest in a decision within the meaning of ~~Section 87100 shall, upon~~§ 89100 must, on identifying a conflict of interest or a potential conflict of interest and immediately ~~prior to the consideration of before~~ the matter, ~~do all of the following is considered:~~

(1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in enough detail ~~sufficient~~ to be understood by the public, ~~except that.~~ Disclosure of the exact street address of a residence is not required.;

(2) Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of ~~Section 87100.~~§ 89100; and

(3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the ~~portion part~~ of the agenda reserved for uncontested matters.

(b) ~~Notwithstanding paragraph (Public Comment Allowed. Despite (a)(3), a public official described in subdivision (a) may speak on the issue during the time that the general public speaks on the issue.~~

(c) **Exempt.** This section does not apply to members of the Legislature.

§ 87102. Applicability of Enforcement Provisions; § 89107. Additional Requirements. (87102)

The requirements of ~~Section 87100~~ § 89100 are in addition to the requirements of Articles 2 ~~(commencing with Section 87200)~~ and 3 ~~(commencing with Section 87300)~~ 4 of this chapter, and any conflict of interest code adopted ~~thereunder~~. ~~Except as provided in Section under Article 3.~~

§ 89108. Applicability of Enforcement Provisions. (87102.5,)

The remedies provided in ~~Chapters 3 (commencing Chapter 13 (beginning with Section 83100) and 11 (commencing with Section 91000) shall~~ § 90300) do not be applicable ~~apply~~ to elected state officers for violations or threatened violations of this article, ~~unless provided in §§ 89109 and 89110.~~

§ 87102.5, § 89109. State Legislature; Prohibited Use of Position to Influence Decisions. The remedies provided in Chapter 3 (commencing with Section 83100) shall apply to any Member (87102.5, 87102.6)

- (a) **Prohibition.** A member of the Legislature ~~who makes, participates~~ must not make, participate in making, or in any way ~~attempts~~ attempt to use his or her official position to influence any of the following governmental decisions in which ~~he or she~~ the member knows or has reason to know ~~that~~ he or she has a financial interest:
- (1) ~~Any~~ any state governmental decision, other than ~~any~~ any action or decision before the Legislature, made in the course of his or her duties as a member-;
 - (2) approval, modification, or cancellation of ~~any~~ any contract to which either house or a committee of the Legislature is a party-;
 - (3) introduction as a lead author of ~~any~~ any legislation that the member knows or has reason to know is nongeneral legislation-;
 - (4) ~~Any~~ any vote in a legislative committee or subcommittee on what the member knows or has reason to know is nongeneral legislation-;
 - (5) ~~Any rollcall~~ roll-call vote on the Senate or Assembly floor on an item ~~which~~ that the member knows is nongeneral legislation-; or
 - (6) any action or decision before the Legislature in which ~~all of the following occur~~:
 - (A) the member has received ~~any~~ salary, wages, commissions, or similar earned income within the preceding 12 months from a lobbyist employer-;
 - (B) the member knows or has reason to know the action or decision will have a direct and significant financial impact on the lobbyist employer-; and
 - (C) the action or decision will not have an impact on the public generally or a significant segment of the public in a similar manner.
 - (7) ~~Any~~ an action or decision before the Legislature on legislation that the member knows or has reason to know will have a direct and significant financial impact on any person, distinguishable from its impact on the public generally or a significant segment of the public, from whom the member has received ~~any~~ compensation within the preceding 12 months for ~~the purpose of~~ appearing, agreeing to appear, or taking ~~any other~~ another action on behalf of that person, before any ~~local board or government agency~~ agency or board.
- ~~(a) For purposes of this section, all of the following apply:~~
- ~~(1) "Any action or decision before the Legislature" means any vote in a committee or subcommittee, or any rollcall vote on the floor of the Senate or Assembly.~~
 - ~~(2) "Financial interest" means an interest as defined in Section 87103.~~
 - ~~(3) "Legislation" means a bill, resolution, or constitutional amendment.~~

- (4) ~~“Nongeneral legislation” means legislation that is described in Section 87102.6 and is not of a general nature pursuant to Section 16 of Article IV of the Constitution.~~
- (b) **Reason-to-Know Standard.** A member of the Legislature has reason to know that an action or decision will have a direct and significant financial impact on a person ~~with respect to~~for which disqualification may be required ~~pursuant to subdivision~~under (a) if either of the following apply:
- (1) with the knowledge of the member, the person has attempted to influence the member’s vote ~~of the member with respect to~~on the action or decision; ~~or~~
 - (2) facts have been brought to the member’s personal attention indicating that the action or decision will have a direct and significant impact on the person.
- (5) ~~The prohibitions specified in subdivision (a) do not apply to a vote on the Budget Bill as a whole, or to a vote on a consent calendar, a motion for reconsideration, a waiver of any legislative rule, or any purely procedural matter.~~
- (c) **Nongeneral Legislation.** A member of the Legislature has reason to know that legislation is nongeneral legislation if facts have been brought to his or her personal attention indicating that it is nongeneral legislation. ~~(The Budget Bill as a whole is not nongeneral legislation.)~~ “Nongeneral legislation” means:
- (6) ~~Written advice given to a Member of the Legislature regarding his or her duties under this section by the Legislative Counsel shall have the same effect as advice given by the Commission pursuant to subdivision (b) of Section 83114 if both of the following apply:~~
- (A) ~~The member has made the same written request based on the same material facts to the Commission for advice pursuant to Section 83114 as to his or her duties under this section, as the written request and facts presented to the Legislative Counsel.~~
 - (B) ~~The Commission has not provided written advice pursuant to the member’s request prior to the time the member acts in good faith reliance on the advice of the Legislative Counsel.~~

§ 87102.6. Nongeneral Legislation; Definitions.

- (a) ~~“Nongeneral legislation” means legislation as to which both of the following apply:~~
- (1) ~~It is legislation that is not of a general nature under § 16 of Article IV of the California Constitution as long as it is both:~~
 - (A) reasonably foreseeable that the legislation will have direct and significant financial impact on one or more identifiable persons; ~~or one or more identifiable pieces of real property;~~ and
 - (B) ~~It is~~not reasonably foreseeable that the legislation will have a similar impact on the public generally or on a significant segment of the public; ~~and~~
 - (2) ~~legislation that contains at least one provision that constitutes nongeneral legislation, even if the legislation contains other, general provisions that do not constitute nongeneral legislation.~~
- (d) **Definitions.** For ~~purposes of this section and Section 87102.5, all of,~~ the following definitions apply:
- (1) “An action or decision before the Legislature” means a vote in a committee or subcommittee or a roll-call vote on the floor of the Senate or Assembly.
 - (2) “Financial interest” means an interest as defined in § 89101.
 - ~~(3)~~ “Legislation” means a bill, resolution, or constitutional amendment.
 - ~~(4)~~ “Public generally” includes an industry, trade, or profession.
 - ~~(5)~~ “Significant segment of the public” includes:
 - (A) a recognized subgroup or specialty of the industry, trade, or profession~~constitutes a significant segment of the public;~~
 - (B) a legislative district, county, city, or special district~~constitutes a significant segment of the public;~~ and
 - (C) more than a small number of persons or pieces of real property~~is a significant segment of public.~~
 - ~~(6)~~ “Similar impact” means that legislation, administrative action, or other governmental action impacts in a similar manner~~similarly affects~~ all members of the public; ~~or all members of a~~

significant segment of the public, ~~on which if~~ it has a direct financial effect, ~~whether or not~~ but not necessarily the exact same level of effect. The financial effect on individual members of the public or the significant segment of the public ~~is the same~~ can vary as to the impact effect on the other members of the public or the significant segment of the public, ~~as long as they still share some direct financial effect.~~

~~(1) The Budget Bill as a whole is not nongeneral legislation.~~

~~(2) Legislation that contains at least one provision that constitutes nongeneral legislation is nongeneral legislation, even if the legislation also contains other provisions that are general and do not constitute nongeneral legislation.~~

(e) § 87102.8. Exceptions. The prohibitions specified in (a) do not apply to a vote on the Budget Bill as a whole or to a vote on a consent calendar, a motion for reconsideration, a waiver of a legislative rule, or a purely procedural matter.

(f) Immunity. Written advice given to a member of the Legislature on his or her duties under this section by the Legislative Counsel will have the same effect as advice given by the Commission under § 90215(b) if:

(1) the member has made the same written request based on the same material facts to the Commission for advice under § 90215 on duties under this section as the written request and facts presented to the Legislative Counsel; and

(2) the Commission has not provided written advice under the member's request before the member acts in good-faith reliance on the Legislative Counsel's advice.

(g) Enforcement. Only the administrative remedies provided in §§ 90336–90338 apply to a violation of this section.

§ 89110. Elected State Officer; Prohibited Use of Position to Influence Decisions.

(87102.8)

(a) ~~No~~Prohibition. An elected state officer, ~~as defined in subdivision (f) of Section 14 of Article V of the California Constitution, shall~~ must not make ~~or, participate in the making of, or in any way attempt to~~ use his or her official position to influence any a governmental decision before the officer's agency ~~in which if~~ the elected state officer ~~serves, where he or she~~ knows or has reason to know that he or she has a financial interest.

(b) Reason-to-Know Standard. An elected state officer knows or has reason to know that he or she has a financial interest in ~~any action by, or a~~ a governmental decision before ~~the~~ his or her agency ~~in which he or she serves where either of the following occur if:~~

(1) the ~~action or~~governmental decision will have a direct and significant financial ~~impac~~effect on a lobbyist employer from which the elected state officer has received ~~any~~ salary, wages, commissions, or similar earned income within the preceding 12 months and the action or decision will not have an impact on the public generally or a significant segment of the public in a similar manner; ~~or~~

(2) the action or decision will have a direct and significant financial ~~impac~~effect on ~~any~~a person, distinguishable from its ~~impac~~effect on the public generally or a significant segment of the public, from whom the officer has received ~~any~~ compensation within the preceding 12 months for ~~the purpose of~~ appearing, agreeing to appear, or taking ~~any other~~another action on behalf of that person; before ~~any local board or a government~~ agency or board.

(c) Definitions. The following definitions apply to this section:

(1) "Elected state officer," as defined in the California Constitution, Article V § 14(f), means the Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, Treasurer, and member of the State Board of Equalization.

~~(3)(2)~~ The definitions of “public generally” and “significant segment of the public” contained in ~~Section 87102.6 shall apply to this section.~~ § 89109(d).
(e)(d) ~~Notwithstanding Section 87102, Enforcement. Only the administrative remedies provided in Chapter 3 (commencing with Section 83100) shall §§ 90336–90338 apply to violations~~ a violation of this section.

§ Article 2. Required Disclosure on Statements of Economic Interests (SEI).

§ 89200. High-Level Filers. (87200. Applicability.)

This article ~~is applicable~~ applies to elected state officers, judges, and commissioners of courts of the judicial branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of the High-Speed Rail Authority, members of city and county planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, and chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, chief administrative officers and members of city councils of cities, ~~and~~ other public officials who manage public investments, and ~~to~~ candidates for any of these offices at any election.

§ 87201. § 89201. Candidates. (87201)

- (a) **Filing Date.** Every candidate for an office specified in ~~Section 87200 other than § 89200, except~~ a justice of an appellate court or the Supreme Court ~~shall, must~~ file no later than the final filing date of a declaration of candidacy, a candidate statement of economic interests disclosing ~~his or her~~ the candidate's investments, ~~his or her~~ interests in real property, and ~~any~~ income received during the 12 months immediately preceding ~~12 months~~ the declaration of candidacy.
- (b) **Exception.** This statement ~~shall~~ is not ~~be~~ required if the candidate has filed, within 60 days ~~prior to before~~ the filing of ~~his or her~~ a declaration of candidacy, ~~an assuming-office or annual~~ statement for the same jurisdiction ~~pursuant to Section 87202 or 87203~~ under § 89202 or § 89203.

§ 87202. § 89202. Officials -- Elected, and Appointed and Hold Over.; Assuming-Office Statement. (87202)

- (a) ~~Every person who is elected to an office~~ **Disclosure and Filing Date.** An official specified in ~~Section 87200 shall, within 30 days after assuming the office,~~ § 89200 ~~must~~ file a statement of economic interests disclosing ~~his or her~~ the official's investments ~~and his or her~~, interests in real property held on the date of assuming office, and income received during the 12 months before assuming office. ~~Every person who is appointed or nominated to an office specified in Section 87200 shall file such a statement not more than 30 days after assuming office, provided, however, that a person appointed or nominated to such an office who is subject to confirmation by the Commission on Judicial Appointments or the State Senate shall file such a statement no more than 10 days after the appointment or nomination, as follows:~~
- (1) **Elected.** Anyone elected to an office ~~must file~~ the statement ~~shall not be~~ within 30 days after assuming office.
- (2) **Appointed or nominated.** Anyone who is appointed or nominated to an office, including alternates and designees, ~~must file the statement within 30 days after assuming office. If the~~

- person is subject to confirmation by the Commission on Judicial Appointments or the State Senate, the person must file the statement within 10 days after the appointment or nomination.
- (b) **Annual Statement for Same Jurisdiction.** The statement under this section is not required if the person has filed, within 60 days ~~prior to before~~ assuming office, ~~a~~an annual statement for the same jurisdiction ~~pursuant to Section 87203~~under § 89203.
- (c) **Every Assuming Office in December or January.** An elected state officer who assumes office during the month of December or January ~~shall~~must file ~~a~~an annual statement ~~pursuant to Section 87203~~under § 89203 instead of this section, except that:
- (1) the period covered for reporting investments and interests in real property ~~shall~~must begin on the date the person filed his or her declarations of candidacy; ~~and~~
 - (2) the period covered for reporting income ~~shall~~must begin 12 months ~~prior to before~~ the date the person assumed office.

§ 87203. Officeholders§ 89203. High-Level Filers; Annual Statements. (87203)

~~Every person who holds~~Anyone holding an office specified in ~~Section 87200~~shall,§ 89200 must each year, at a time specified by Commission regulations, file ~~a~~an annual statement disclosing ~~his the~~officeholder's investments, ~~his~~interests in real property, and ~~his~~income during the period since the ~~previous~~closing date of his or her last statement filed under this section or ~~Section 87202. § 89202.~~ The statement ~~shall~~must include all investments and interests in real property held during the period covered by the statement, whether or not they are still held at the time of filing. at any time during the period covered by the statement, whether or not they are still held at the time of filing.

§ 89204. High Level Filers; Leaving-Office Statement. (87204)

Anyone who leaves an office specified in § 89200 must, within 30 days after leaving, file a leaving-office statement disclosing his or her investments interests in real property, and income during the period since the previous assuming-office or annual statement filed under § 89202 or § 89203. The statement must include all investments and interests in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

§ 87204. Leaving Office.

~~Every person who leaves an office specified in Section 87200 shall, within thirty days after leaving the office, file a statement disclosing his investments, his interests in real property, and his income during the period since the previous statement filed under Sections 87202 or 87203. The statement shall include any investments and interests in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.~~

§ 87205. Persons§ 89205. Individuals Completing and Beginning TermTerms of Office-on the Same Day. (87205)

~~A person~~Anyone who completes a term of an office specified in ~~Section 87200~~§ 89200 and within 45 days begins a term of the same ~~office~~or another ~~such~~office of the same jurisdiction is ~~deemed not to assume office or leave office~~not required to file an assuming- or leaving-office statement of economic interests but must continue to file an annual statement under § 89203.

§ 87206. § 89206. Disclosure of Investment or Interest in Real Property. **(87206)**

- (a) **Required Disclosure.** If an investment or an interest in real property ~~is required to must~~ be disclosed under this article, the ~~statement shall contain~~ disclosure must include:
- (1) a statement of the nature of the investment or interest;
 - (2) the name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
 - (3) the real property's address or other precise location ~~of the real property~~;
 - (4) a statement whether the fair market value of the investment or interest in real property ~~equals or exceeds two thousand dollars (\$~~ is:
(A) ~~at least \$2,000) but does not exceed ten thousand dollars (\$more than \$10,000), whether it exceeds ten thousand dollars (\$~~
(B) ~~greater than \$10,000) but does not exceed one hundred thousand dollars (\$more than \$100,000), whether it exceeds one hundred thousand dollars (\$~~
(C) ~~greater than \$100,000), but does not exceed one million dollars (\$more than \$1,000,000) or whether it exceeds one million dollars (\$; or~~
(A)(D) ~~greater than \$1,000,000); and~~
 - (4)(5) ~~in the case of an annual or leaving-office statement filed under Sections 87203 § 89203 or 87204 § 89204, if the investment or interest in real property was partially partly or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.~~
- (b) ~~For purposes of~~ **Personal Residence Excluded.** For disclosure under this article, “interest in real property” does not include the filer's principal residence ~~of the filer or any other property which that~~ the filer ~~utilizes~~ uses exclusively as ~~the his or her~~ personal residence.

§ 89207. Disclosure of Leasehold Interests. **(18729)**

- (a) **Required Disclosure.** If an official is required to disclose a leasehold interest as defined in § 82039, the official must:
- (1) identify the interest as a leasehold interest;
 - (2) disclose the number of years remaining on the lease;
 - (3) provide the leased property's address or other precise location;
 - (4) provide the exact date the lease became effective or terminated—if the lease became effective or terminated during the period covered by the statement; and
 - (4)(5) disclose the value of the filer leasehold interest as specified in § 89206(a)(4).

§ 87207. § 89208. Disclosure of Income, Including Loans, Gifts, and Travel. **(87207)**

- (a) **Disclosure of Income.** If income ~~is required to must~~ be reported under this article, the statement ~~shall must~~ contain, ~~except as provided in subdivision (b):~~
- (1) The name and address of each source of income aggregating ~~five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift,~~ and a general description of the business activity, if any, of each source.
 - (2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, ~~was at least five hundred dollars (\$500) but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but was not greater than ten thousand dollars (\$10,000), whether it was greater than ten thousand dollars (\$10,000) but not greater than one hundred thousand dollars (\$100,000), or whether it was greater than one hundred thousand dollars (\$100,000); is:~~
(A) at least \$500 but not more than \$1,000;
(B) greater than \$1,000 but not more than \$10,000;
(C) greater than \$10,000 but not more than \$100,000; or

(D) greater than \$100,000.

(3) A description of ~~the~~any consideration, ~~if any,~~ for which the income was received.

~~(1) In the case of a gift, the amount and the date on which the gift was received and the travel destination for purposes of a gift that is a travel payment, advance, or reimbursement.~~

(4) In the case of a loan, the annual interest rate, ~~the~~any security, ~~if any,~~ given for the loan, and the term of the loan.

(5) If the filer's pro rata share of income ~~to~~received from a business entity, including income ~~to~~from a sole proprietorship, ~~is required to~~must be ~~reported~~disclosed under this article, the statement ~~shall~~must contain:

(A) the name, address, and ~~a~~ general description of the business activity of the business entity;
and

(B) the name of ~~every person~~anyone from whom the business entity received payments if the filer's pro rata share of gross receipts from that person was equal to or greater than ~~ten thousand dollars (\$10,000)~~ during a calendar year.

(b) Disclosure of Gifts. If a gift must be disclosed under this article because it is received from a source that the official must identify under the official's filing obligations, the statement must contain:

(1) The name, address, and business activity, if any, of each source of a gift aggregating \$50 or more in value, and any intermediary or agent under § 88102.

(2) The amount and the date on which the gift was received.

(c) Disclosure of Payments for Travel. If a payment for travel, including an advance or reimbursement, ~~for travel is required to be reported pursuant to this section, it may~~ must be ~~reported on a separate travel reimbursement schedule which shall be disclosed under this title, it must be disclosed on one of the following schedules~~ included in the filer's statement of economic ~~interest~~interests:

(1) Travel reimbursement. If the payment is a reportable gift, the filer may elect to report it on a separate travel-reimbursement schedule.

(2) Gift. A filer who chooses not to use the travel-reimbursement schedule ~~shall~~must disclose payments for travel as a gift, ~~unless it is clear from all surrounding circumstances that the services and must include the travel destination.~~

~~(6)(3)~~ Income. If the provided ~~services that~~ were equal to or greater in value than the ~~payments for the travel, in which case the travel may~~ payment, it ~~must~~ be ~~reported~~disclosed as income if \$500 or more was received from a single source during the period covered by the statement. When reporting travel payments as income, the filer must describe the services provided in exchange for the payment.

§ 87208. § 89209. Disclosure of Investments and Interests in Real Property; Incorporation by Reference. (87208)

Except in annual statements required by ~~Section 87203~~§ 89203, investments and interests in real property ~~which that~~ have been disclosed on a statement of economic interests filed in the same jurisdiction within the previous 60 days may be incorporated by reference.

§ 87209. § 89210. Business Positions. (87209)

(a) When Disclosure of Positions. If a statement ~~is required to~~must be filed under this article, ~~every person anyone~~ specified in ~~Section 87200 shall~~§ 89200 must disclose any business positions held by that ~~person~~ individual.

(a)(b) Definition. For ~~purposes of~~ this section, "business position" means any business entity in which the filer is a director, officer, partner, trustee, or employee, or holds any position of management, if the business entity or any parent, subsidiary, or otherwise related business entity ~~has an interest in real~~

~~property in the jurisdiction, or does business or plans to do business in the jurisdiction or has done business in the jurisdiction at any time during the two years prior to the date the statement is required to be filed.;~~

- ~~(1) § 87300, has an interest in real property in the jurisdiction;~~
- ~~(2) does business or plans to do business in the jurisdiction; or~~
- ~~(3) has done business in the jurisdiction at any time during the two years before the date the statement is required to be filed.~~

Article 3. Conflict-of-Interest Codes Adopted by Agencies.

§ 89300. Agency Requirement. Must Adopt Code; Violations. (87300)

~~Every An~~ agency ~~shall~~must adopt and ~~promulgate~~publicize a conflict-of Interest Code pursuant to the provisions of this article. ~~of-interest code listing designated individuals who are required to file statements of economic interests.~~ A conflict-of Interest Code ~~shall have~~of-interest code has the force of law and ~~any~~a code violation ~~of a Conflict of Interest Code by~~by a designated ~~employee shall be deemed~~individual is a violation of this chapter.

§-§ 89301. Creating Codes. (82011, 87301)

- (a) **Localized Level of Government.** ~~Conflict-of-interest codes should be created at the most localized level of government possible, but without precluding intradepartmental review. A question about the level of a department that should be considered an “agency” under § 89300 will be resolved by the code-reviewing body.~~

Code-Reviewing Body.

~~(a)(b) “Code reviewing body” means all of~~ The following: ~~are the “code-reviewing bodies” for the listed agencies:~~

- (1) The Commission, ~~with respect to the conflict of interest code of:~~ For a state agency other than an agency in the judicial branch of government, or any local government agency with jurisdiction in more than one county.
- (2) The Board of Supervisors, ~~with respect to the conflict of interest code of:~~ For any county agency other than the board of supervisors, ~~or~~ any agency of the judicial branch of government, and ~~of~~ any local government agency, other than a city agency, with jurisdiction wholly within the county.
- (3) The City Council, ~~with respect to the conflict of interest code of:~~ For any city agency other than the city council.
- (4) The Attorney General, ~~with respect to the conflict of interest code of:~~ For the Commission.
- (5) The Chief Justice or ~~his or her designee, with respect to the conflict of interest code of the~~ the Chief Justice’s Designee: For members of the Judicial Council, Commission on Judicial Performance, and Board of Governors of the State Bar of California.
- (6) The Board of Governors of the State Bar of California ~~with respect to the conflict of interest code of:~~ For the State Bar of California.
- (7) The Chief Justice ~~of California~~, the administrative presiding judges of the courts of appeal, and the presiding judges of superior and municipal courts, or their designees, ~~with respect to the conflict of interest code of:~~ For any agency of the judicial branch of government subject to the immediate administrative supervision of that court.

- (8) The Judicial Council of California, ~~with respect to the conflict of interest code of:~~ For any state agency within the judicial branch of government not included under ~~subdivisions (e), (f), and (g)(5), (6), or (7).~~

~~§ 87301. Formulation.~~

~~It is the policy of this act that Conflict of Interest Codes shall be formulated at the most decentralized level possible, but without precluding intra-departmental review. Any question of the level of a department which should be deemed an "agency" for purposes of Section 87300 shall be resolved by the code reviewing body.~~

~~§ 87309. § 89302. Requirements for Code Approval.~~ (87309)

~~No Conflict of Interest Code or amendment shall~~ To be approved by ~~the~~ code reviewing body or ~~the Commission, or to be upheld by a court if it, a conflict-of-interest code must:~~

- (a) ~~Fails to~~ provide reasonable assurance that all foreseeable potential conflict-of-interest situations will be disclosed or prevented;
- (b) ~~Fails to~~ provide to each affected person a clear and specific statement of ~~his~~ that person's duties under the code; ~~or and~~
- (c) ~~Fails to~~ adequately differentiate between designated ~~employees~~ individuals with different powers and responsibilities.

~~§ 87302 § 89303. Required Provisions, in Code.~~ (87302, 87311.5(b))

- (a) **Required Provisions.** Each conflict ~~of Interest Code shall of interest code must~~ contain the following provisions:

- (1) ~~Specific enumeration of the~~ **Designated individuals.** A list of positions within the agency; ~~— other than those specified in Section 87200, which involve the § 89200—that require the individual to make or participate in making or participation in the making of decisions which that may foreseeably have a material effect on any financial interest and of the individual.~~
- (a) **Reportable financial interests.** For each ~~such enumerated~~ listed position, the specific types of investments, business positions, interests in real property, and sources of income ~~which are reportable. An investment, business position, interest in real property, or source of income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income that may foreseeably be affected materially~~ affected by any decision made or participated in by the designated employee by virtue of his or her position.
- (2) ~~Requirements that each designated employee, other than those specified in Section 87200, file statements at times and under circumstances described in this section, disclosing reportable investments, business positions, interests in real property and income. individual and must be reported on the designated individual's statement of economic interests. The information disclosed with respect to reportable investments, interests in real property, and income shall be the same as the information required by Sections 87206 and 87207. The first statement filed under a Conflict of Interest Code by a designated employee shall disclose any reportable investments, business positions, under reportable investments, interests in real property, and income. An must be the same as under Article 2.~~
- (3) **Dates for designated individuals to file initial statement shall, assuming-office, annual, and leaving-office statements.** A requirement that each designated individual, other than those

specified in § 89200, must file a statement of economic interest disclosing reportable financial interests as follows:

(A) Initial statements. An initial statement under a new conflict-of-interest code must be filed by each designated employeeindividual within 30 days after the effective date of the Conflict of Interest code, disclosing reportable investments, business positions, and interests in real property held on the effective date of the Conflict of Interest code and income received during the 12 months before the effective date of the Conflict of Interest Code.
Thereafter, code.

(B) Assuming office. Each new designated employee shallindividual must file a statement within 30 days after assuming office, or if subject to State Senate confirmation, 30 days after being appointed or nominated, disclosing reportable investments, business positions, and interests in real property held on, and income received during the 12 months before, the date of assuming office or the date of being appointed or nominated, respectively.

(C) Annual statement. Each designated employee shallindividual must file an annual statement, at the time specified in the conflict-of-interest code, disclosing reportable investments, business positions, interest in real property and incomefinancial interests held or received at any time during the previous calendar year, or since the date the designated employeeindividual took office if during the calendar year.

(A)(D) Leaving office. Every designated employeeindividual who leaves office ~~shall~~must file, within 30 days ~~of~~after leaving office, a statement disclosing reportable investments, business positions, financial interests ~~in real property, and income~~ held or received at any time ~~during the period~~ between the closing date of the last statement required to be filed and the date of leaving office.

(2)(4) Specific provisionsDisqualification. A rule setting forth ~~any~~the circumstances under which designated employeesindividuals or categories of designated employeesindividuals must disqualify themselves from making, participating in the making, or using their official position to influence the making of any decision. ~~Disqualification shall be required by the Conflict of Interest Code when the designated employee has a financial interest as defined in Section 87103, which it is reasonably foreseeable may be affected materially by the decision. No designated employee shall be required to disqualify himself or herself with respect to any matter which could not legally be acted upon or decided without his or her participation.~~

(A) Mandatory. Disqualification is required when it is reasonably foreseeable that the designated individual's financial interest as defined in § 89101 may be affected materially by the decision.

(B) Legally required participation. A designated individual is not disqualified from a matter if the individual's participation is legally required for the action or decision to be made, as provided by Commission regulation.

(C) Exempt agencies. The Judicial Council, the Commission on Judicial Performance, and the Board of Governors and designated individuals of the State Bar of California are not subject to this paragraph (4).

(b) Filing Exception for Employees Who Resign Shortly After Being Appointed. For ~~any~~a position ~~enumerated pursuant to subdivision~~listed under (a), ~~ansomeone~~will not have assumed or left office for purposes of this section if:

(1) the individual ~~who~~ resigns the position within 12 months ~~following~~after initial appointment, or within 30 days ~~of~~after the date ~~of a notice mailed by~~ the filing officer ~~of the individual'smailed the individual notice of his or her~~ filing obligation, whichever is earlier, ~~is not deemed to assume or leave office, provided that:~~

(3)(2) during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence ~~any~~a decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

~~Within 30 days of the date of a notice mailed by the filing officer, the individual shall do both of the following; and~~

~~(3) File within 30 days after the date of a notice mailed by the filing officer, the individual must file both:~~

~~(A) a written resignation with the appointing power; and~~

~~(B) File a written statement with the filing officer on a form prescribed by the Commission and signed under penalty of perjury, stating that the individual, during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.~~

~~§ 87311.5. Review and Preparation; Judicial Branch Agencies.~~

~~(a) Notwithstanding the provisions of Section 87311, the review of the Conflict of Interest Code of an agency in the judicial branch of government shall not be subject to the provisions of the Administrative Procedure Act. The review and preparation of Conflict of Interest Codes by these agencies shall be carried out under procedures which guarantee to officers, employees, members, and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views.~~

~~(b) Conflict of Interest Codes of the Judicial Council, the Commission on Judicial Performance, and the Board of Governors and designated employees of the State Bar of California shall not be subject to the provisions of subdivision (c) of Section 87302.~~

§ 87310. § 89304. Designated Employee Individual; Broad or Indefinable Duties. (87310)

~~If the a designated individual's duties of a designated employee are so broad or indefinable that the requirements of Section 87309 an agency cannot be complied comply with § 89302, the Conflict of Interest Code shall require the designated employee to individual must comply with the requirements of Article 2 of this chapter.~~

§ 87314. § 89305. Code Requirement for Public Pension and Retirement System Agencies. (87314)

~~(a) **Appendix Listing Agency Positions that Manage Public Investments.** A board, commission, or agency of a public pension or retirement system shall must attach to its conflict-of-interest code an appendix entitled "Agency Positions that Manage Public Investments for Purposes of Section 87200 § 89200 of the Government Code." The appendix shall must list each position with the board, commission, or agency for which an individual occupying the position is required to file a statement of economic interests as a public official who manages public investments within the meaning of Section 87200. § 89200. The board, commission, or agency shall must post the appendix on its internet Web site website in a manner that makes it easily identifiable and accessible by persons who view that Web site website.~~

~~(b) (1) For purposes of Definitions. The following definitions apply to this section;:~~

~~(1) "Public official who manages public investments" includes a salaried or unsalaried member of a committee, board, commission, or other entity that exists as, or within, a governmental agency and that possesses decisionmaking decision-making authority.~~

~~(2) A committee, board, commission, or other entity possesses decisionmaking decision-making authority for purposes of this section if any of the following apply:~~

~~(A) the entity may can make a final governmental decision;:~~

- (B) the entity ~~may~~can compel ~~a governmental decision~~ or prevent a governmental decision, either by ~~virtue of~~ possessing exclusive power to initiate the decision or by having veto authority that ~~may not~~cannot be overridden; or
 - (C) the entity makes substantive recommendations that are, and over an extended period of time have been, regularly approved; without significant amendment or modification; by another public official or governmental agency.
- (3) A committee, board, commission, or other entity does not possess ~~decisionmaking~~decision-making authority ~~for purposes of this section~~ if it is formed for the sole purpose of researching a subject and preparing a report or recommendation for submission to another governmental entity that has final ~~decisionmaking~~decision-making authority.

§ 87312. § 89306. Commission Assistance. **(87312)**

The Commission ~~shall, upon will, on~~ request, provide~~give~~ technical ~~assistance~~help to agencies in ~~the preparation of Conflict of Interest Codes.~~ Such assistance~~preparing conflict-of-interest codes.~~ That help may include the preparation of model provisions for various types of agencies. ~~Nothing in this section shall.~~ Any help from the Commission does not relieve ~~each an~~ agency of ~~the its~~ responsibility ~~for adopting to adopt~~ a conflict-of-interest code appropriate to its ~~individual~~ circumstances.

§ 87311. § 89307. Review and Preparation; Administrative Procedure Act, of Codes; Notice. **(87311; 87311.15)**

- (a) State Agencies. The preparation of proposed conflict-of-interest codes by state agencies, and the review of proposed conflict-of-interest codes by the Commission and by the Attorney General ~~and the preparation of proposed Conflict of Interest Codes by state agencies shall be, are~~ subject to the Administrative Procedure Act.
- (a)(b) Local Agencies. The preparation and review ~~and preparation~~ of conflict-of-interest codes by local ~~government~~ agencies shall~~must~~ be carried out~~made~~ under procedures which~~that~~ guarantee to the agency's officers, employees, members, and consultants ~~of the agency,~~ and to the jurisdiction's residents ~~of the jurisdiction,~~ adequate notice and a fair opportunity to present their views.

§ 87311.5. Review and Preparation; Judicial-Branch Agencies.

- (b)(c) ~~Notwithstanding the provisions of Section 87311, the~~ The preparation and review of the conflict-of-interest code of an agency in the judicial branch of government shall ~~is~~ not ~~be~~ subject to the ~~provisions of the~~ Administrative Procedure Act. ~~The review and preparation of Conflict of Interest Codes by these agencies shall be carried out, but must be made~~ under procedures which~~that~~ guarantee to the agency's officers, employees, members, and consultants ~~of the agency,~~ and to the jurisdiction's residents ~~of the jurisdiction,~~ adequate notice and a fair opportunity to present their views.
- (a) ~~Conflict of Interest Codes of the Judicial Council, the Commission on Judicial Performance, and the Board of Governors and designated employees of the State Bar of California shall not be subject to the provisions of subdivision (c) of Section 87302.~~

§ 87303. § 89308. Submission of Codes and Amendments; Code-Reviewing Body. **(87303)**

- (a) ~~No~~Approval Required. All conflict-of-interest ~~code shall~~codes and amendments must be effective ~~until it has been approved by the code-reviewing body; and are not effective until approved.~~
- (b) Deadline to Submit. Each agency shall~~must~~ submit:

(1) A proposed conflict-of-interest code to the code-reviewing body by the deadline established for the agency by the code-reviewing body. ~~The deadline for~~ A new agency ~~shall be not~~ must submit its code no later than six months after it comes into existence.

(2) Amendments to the code-reviewing body by the deadlines established under § 89311.

(a)(c) Action by Code-Reviewing Body. Within 90 days after receiving the proposed code or receiving ~~any~~ proposed ~~amendments~~ amendment or ~~revisions~~ revision, the code-reviewing body ~~shall~~ must do one of the following:

(1) approve the proposed code as submitted;

(2) revise the proposed code and approve it as revised; or

(3) return the proposed code to the agency for revision and resubmission within 60 days. Once resubmitted, the code-reviewing body ~~shall~~ must either approve the revised code or revise it and approve it.

(b)(d) Adopted Code. When a proposed conflict-of-interest code or amendment is approved by the code-reviewing body, it ~~shall be deemed~~ is adopted and ~~shall be promulgated by~~ the agency must finalize and disseminate it.

§ 87304. § 89309. Failure to Submit, Adopt, or Amend a Proposed Code. (87304)

(a) If any Action by Code-Reviewing Body. If ~~an~~ agency fails to submit a proposed conflict-of-interest code ~~or amendments~~, or if ~~any state agency fails to report amendments pursuant to subdivision (b) of Section 87306 within the time limits prescribed pursuant to Section 87303 or 87306, the code amendment by an established deadline, the code-reviewing body may issue any appropriate order directed to the agency or take any other appropriate action, including the adoption of~~ adopting a conflict-of-interest code for the agency.

(a)(b) Action by the Commission. If the code-reviewing body does not issue an appropriate order or take other action within 90 days of ~~the an established~~ deadline imposed on the agency ~~as prescribed in Section 87303 or 87306~~, the Commission may issue ~~any~~ an appropriate order directed to the agency or take ~~any~~ other appropriate action, including ~~the adoption of~~ adopting a conflict-of-interest code for the agency. The Commission ~~shall~~ will consult with the agency before ordering the adoption of a conflict-of-interest code for the agency.

§ 87305. § 89310. Order to Adopt; Superior Court. (87305)

(a) Action in Superior Court. If ~~after a conflict-of-interest code or amendment has not been adopted~~ six months ~~following after~~ the deadline for submission ~~of the proposed Conflict of Interest Code to the code reviewing body no Conflict of Interest Code has been adopted and promulgated, the superior court may, in an action filed by the Commission, the agency, the code to the code-reviewing body, any the Commission, the agency, the code-reviewing body, an officer, employee, member, or consultant of the agency, or any a resident of the jurisdiction, may file an action in superior court.~~

(b) Order by Superior Court. The superior court may prepare a conflict-of-interest code and order its adoption by the agency or grant any other appropriate relief.

(a)(c) Parties. The agency and the code-reviewing body ~~shall~~ will be parties to any action filed ~~pursuant to under~~ this section.

§ 87306. § 89311. Amendments for Changed Circumstances to Conflict-of-Interest Codes. (87306, 87307)

- (a) **Mandatory Amendments.** An agency ~~shall~~must amend its conflict-of-interest Code, subject to the provisions of Section 87303, ~~of-interest code~~ when ~~change is necessitated~~required by changed circumstances, ~~including. These circumstances include~~ the creation of ~~a new positions which~~position that must be designated ~~pursuant to subdivision under § 89303(a) of Section 87302.~~, and relevant changes in the duties assigned to existing positions. ~~Amendments~~
- (1) An amendment or revisions shall~~revision must~~ be submitted to the code-reviewing body within 90 days after the changed circumstances ~~necessitating~~requiring the amendments have become apparent.
- (2) If after it has been more than nine months ~~following the occurrence of~~after those changes and the conflict-of-interest code has not been amended or revised, the superior court may issue any appropriate order in an action brought under ~~the procedures set forth in Section 87305.~~§ 89312.
- (b) **Notwithstanding subdivision (a),** **Petitioned Amendments.** An agency may amend its conflict-of-interest code in response to a) ~~every~~ petition submitted by an officer, employee, member, or consultant of the agency, or a resident of the jurisdiction.
- (1) If the agency fails to act on the petition within 90 days, the petition will be considered denied. Within 30 days after the denial of a petition, the petitioner may appeal to the code-reviewing body.
- (2) The code-reviewing body will either dismiss the appeal or issue an appropriate order to the agency within 90 days of receiving the appeal.
- (3) If a designated individual appeals, the code-reviewing body may, in its discretion, suspend or modify the disclosure obligations of the appellant and persons similarly situated pending resolution of the appeal.
- (c) **Discretionary Amendments.** An agency may amend its conflict-of-interest code at any time on its own initiative subject to this title.

§ 89312. Biennial Agency Review. (87306(b), 87306.5)

- (a) **State Agencies.** A state agency ~~shall~~must submit to the code-reviewing body a biennial report identifying changes in its conflict-of-interest code, including, ~~but not limited to,~~ all new positions designated ~~pursuant to subdivision (a) of Section 87302,~~under § 89303(a), changes in the list of reportable sources of income, and relevant changes in the duties assigned to existing positions. These reports ~~shall~~must be submitted no later than March 1 of each odd-numbered year.

§ 87307. Amendments to Code by Agency; Failure to Act.

~~An agency may at any time amend its Conflict of Interest Code, subject to the provisions of Section 87303, either upon its own initiative or in response to a petition submitted by an officer, employee, member or consultant of the agency, or a resident of the jurisdiction. If the agency fails to act upon such a petition within ninety days, the petition shall be deemed denied. Within thirty days after the denial of a petition, the petitioner may appeal to the code reviewing body. The code reviewing body shall either dismiss the appeal or issue an appropriate order to the agency within ninety days.~~

§ 87306.5. Conflict of Interest Code; Local Agency Review.

- (b) **Local Agencies.** A local agency is subject to the following:

- (1) **Biennial review.** No later than July 1 of each even-numbered year, the code-reviewing body ~~shall~~must direct every local agency ~~which that~~ has adopted a conflict-of-interest Code in accordance with interest code under this title to review its ~~Conflict of Interest~~ code and, if a change in its code is necessitated by amendments are required because of changed circumstances,

submit an amended conflict-of-interest code in accordance with subdivision (a) of Section 87302 and Section 87303 of interest code to the code-reviewing body.

- (2) Upon **Statement confirming no amendments.** On review of its code, if no ~~change in the code amendment~~ is required, the local agency head ~~shall~~must submit a written statement ~~to confirming~~ that ~~effect~~fact to the code-reviewing body no later than October 1 of the same year.

§ 87308. § 89313. Judicial Review. **(87308)**

~~Judicial review of any action of a code reviewing body under this chapter may be sought by The Commission, by the agency, by an officer, employee, member, or consultant of the agency, or by a resident of the jurisdiction.~~ may seek judicial review of any code-reviewing body's action.

§ 87500. Article 4. Filing Statements of Economic Interests—Where to File.

§ 89400. Statements of Economic Interests—required by this chapter shall be—Perjury and Verification; Amendment.

(81004, 81004.5)

(a) Statements of economic interest filed under this title must be signed by the filer under penalty of perjury and verified by the filer in conformity with § 84400(b). A filer may at any time amend a statement of economic interests filed under this title as follows: stated in § 84402.

Statewide elected officer—one § 89401. Statements of Economic Interests—Where to File. **(87500)**

~~(a) Officials Who File with Their Agencies. The officials in (1)–(4) below must file original statements of economic interests with the their agencies, and each agency, which shall make and must retain a copy and forward the original to the Commission. The Commission shall be the filing officer.~~

- (a) ~~Candidates for statewide elective office—one original and one copy with the person with whom the candidate's declaration of candidacy is filed, who shall forward the original to the Commission. The Commission shall be the filing officer.~~

(1) ~~Members~~A statewide elected officer.

(2) A member of the Legislature ~~and~~or State Board of Equalization—one.

(3) A member of the Public Utilities Commission, the State Energy Resources Conservation and Development Commission, a planning commissioner, and the California Coastal Commission.

(4) A member of a state licensing or regulatory board, bureau, or commission.

- (b) Officials of Other State Boards, Commissions, and Bodies. Anyone appointed to another state board, commission, or similar multimember body must file his or her original statement with the respective board, commission, or body. The original must be handled as required in the conflict-of-interest code of the respective board, commission, or body. If the board, commission, or body is not required by its conflict-of-interest code to send the original with the agency, which shall make and to the Commission, it must forward a copy to the Commission.

- ~~(b)~~(c) **Candidates.** The candidates in (1)–(3) below must file their original statement and one copy with the person with whom the candidate’s declaration of candidacy is filed, who must retain a copy and forward the original to the Commission. The Commission ~~shall be~~ is the filing officer.
- (1) ~~Candidates~~A candidate for statewide elective office.
- ~~(1)(2)~~ A candidate for the Legislature or the State Board of Equalization—one original and one copy with the person with whom the candidate’s declaration of candidacy is filed, who shall forward the original to the Commission. The Commission shall be the filing officer.
- (3) ~~Persons~~A candidate for the office of judge.
- ~~(e)~~(d) **County Officials and Candidates Who File with County Clerks.** Anyone holding the office of chief administrative officer and ~~candidates~~a candidate for and ~~persons~~person holding the office of district attorney, county counsel, county treasurer, and member of the board of supervisors —~~one must file his or her~~ original statement with the county clerk, who ~~shall make and must~~ retain a copy and forward the original to the Commission, ~~which shall be~~. The Commission is the filing officer.
- ~~(d)~~(e) **Persons holding the office of City Officials and Candidates Who File with City Clerks.** A city manager or, if there is no city manager, the chief administrative officer, and candidates for and persons holding the office of city council member, city treasurer, city attorney, and mayor —~~one must file their~~ original statement with the city clerk, who ~~shall make and must~~ retain a copy and forward the original to the Commission, ~~which shall be~~. The Commission is the filing officer.
- (f) **Fair Political Practices Commission.** Members of the ~~Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, planning commissioners, and members of the California Coastal Commission~~—one must file their original with the ~~agency~~Commission, which ~~shall make and must~~ retain a copy and forward the original to the Attorney General’s office. The Attorney General is the filing officer.
- ~~(e)~~(g) **Judicial Officers.** Judges and court commissioners must file their original statement with the clerk of the court, who must retain a copy and forward the original to the Commission, ~~which shall be~~. The Commission is the filing officer.
- ~~(b)~~ Persons appointed to other state boards, commissions, or similar multimember bodies of the state—one original with the respective board, commission, or body. The original shall be handled as set forth in the Conflict of Interest Code of the respective board, commission, or body. If the board, commission, or body is not required by its Conflict of Interest Code to send the original to the Commission, it shall forward a copy to the Commission.
- ~~(e)~~ Members of the Fair Political Practices Commission—one original with the Commission, which shall make and retain a copy and forward the original to the office of the Attorney General, which shall be the filing officer.
- ~~(d)~~ Judges and court commissioners—one original with the clerk of the court, who shall make and retain a copy and forward the original to the Commission, which shall be the filing officer. Original statements of candidates for the office of judge shall be filed with the person with whom the candidate’s declaration of candidacy is filed, who shall retain a copy and forward the original to the Commission, which shall be the filing officer.
- ~~(f)~~(h) **Except as provided for in subdivision (l), Agencies, Boards and Commissions not under State or Local Jurisdictions.** Heads of agencies, members of boards or commissions not under a department of state government, and members of boards or commissions not under the jurisdiction of a local legislative body —~~one must file their~~ original statement with the agency, board, or commission, which ~~shall make and must~~ retain a copy and forward the original to the code-reviewing body, ~~which shall be the filing officer~~. The code reviewing body may provide that the original be filed directly with the code reviewing body and that no copy be retained by the agency.
- (1) ~~Heads of local government agencies and members of local government boards or commissions, for which the Fair Political Practices~~The code-reviewing body is the filing officer. The code-reviewing body may require that the original be filed with it directly and that no copy be retained by the agency, board or commission; or

- (1)(2) ~~If the Commission is the code-reviewing body —one original tofor the local government agency or, board, or commission, which shall be then the agency, board, or commission is the filing officer, unless, at its discretion, the Fair Political Practices Commission elects to act as the filing officer. In this instance, the original shall must be filed with the agency, board, or commission, which shall make and must retain a copy and forward the original to the Fair Political Practices Commission.~~
- (g)(i) ~~Designated employees~~**Individuals of the Legislature**~~—one. Designated individuals must file their original statement with the house of the Legislature by in which the designated employee is they are employed. Each house of the Legislature may provide require that the originals of original statements filed by its designated employees be filed directly with the Commission, and that no copies be retained by that house.~~
- (h)(i) **Multiagency Filers.** Designated ~~employees~~**individuals** under contract to more than one joint-powers insurance agency and who elect to file a multiagency statement ~~pursuant to Section 87350— the under § 89402 must file their original of the statement with the Commission, which shall will be the filing officer, and, file with each agency with which they are under contract, a statement declaring that their statement of economic interests original is on file with the Commission and available upon request.~~
- (e) ~~Members of a state licensing or regulatory board, bureau, or commission —one original with the agency, which shall make and retain a copy and forward the original to the Commission, which shall be the filing officer.~~
- (i)(k) **Persons All others.** ~~Anyone~~ not mentioned above ~~—one must file the original statement with the agency or with the code-reviewing body, as provided by the code-reviewing body in the agency's conflict-of-interest code.~~

§ 87350. Multiagency Filers.

Notwithstanding § 89402. Filers for Multiple Joint-Powers Insurance Agencies. (87350)

- (a) **Expanded Statement.** ~~Despite any other provision of this title, a person required to file more than one assuming office statement, statement of economic interests, or leaving office statement, due to his or her status as because that person is a designated employee individual for more than one joint-powers insurance agency, may elect to file a multiagency one expanded statement instead of filing separate statements for each agency. The expanded statement disclosing must disclose:~~
- (1) all investments in entities doing business in the state;
 - (1)(2) all interests in real property located within the state; and
 - (2)(3) all income received during the applicable time period, ~~in lieu of filing the disclosure statements for each agency.~~
- (b) **Notification.** The filer ~~shall must~~ notify the Commission ~~of his or her decision to become a multiagency filer. This status shall continue until revoked by the filer when filing an expanded statement under this section.~~

§ 87302.3. Disclosure § 89403. Filing Required by Candidates for Elective Office. (87302.3)

- (a) **Every Required Disclosure.** A candidate for an elective office, ~~other than those specified in § 89200, that is designated in a conflict-of-interest code shall must file a statement of economic interests disclosing his or her investments, business positions, reportable financial interests in real property, and income held or received during the immediately preceding 12 months; as enumerated in required under the disclosure requirements code for that position office.~~
- (a)(b) **When and Where to File.** The statement ~~shall must~~ be filed with the ~~same~~ election official ~~with whom that~~ the candidate's declaration of candidacy or other nomination documents to appear on the

ballot ~~are required to must~~ be filed with and shall must be filed no later than the final filing date for the declaration or nomination documents.

~~(b)(c)~~ **Exempt Candidates.** This section does not apply to either ~~of the following~~:

- (1) a candidate for an elective office designated in a conflict-of-interest code who has filed an initial, assuming-office, or annual statement ~~pursuant to under~~ that conflict-of-interest code within 60 days before the deadline specified in ~~subdivision (a)-(b); or~~
- (2) a candidate for an elective office who has filed a statement for the office ~~pursuant to Section 87302.6 under § 89404~~ within 60 days before the deadline specified in ~~subdivision (a)(b)~~.

§ 87302.6. Disclosure § 89404. Filing by Members of Boards and Commissions of Newly Created Agencies.

Notwithstanding Section (87302.6)

~~Despite the filing dates in § 89303,~~ a member of a ~~board or commission of a~~ newly created ~~agency~~ ~~shall agency's board or commission must~~ file a statement at the same time and in the same manner as those ~~individuals~~ required to file ~~pursuant to Section 87200. under § 89200.~~ A member shall must file ~~his or her~~ statement ~~pursuant to Section 87302 under § 89303~~ once the agency adopts an approved conflict-of-interest code.

§ 87500.2. § 89405. Statements of Economic Interests—Electronic Filing. (87500.2)

- (a) **Electronic Filing.** An agency may permit the electronic filing of a statement of economic interests required by ~~Article 2 (commencing with Section 87200) or Article 3 (commencing with Section 87300); this title,~~ including amendments, in accordance with Commission regulations ~~adopted by the Commission.~~
- (b) **Database-Design Requirements.** In consultation with interested agencies, the Commission shall will use common database-integration features in developing database-design requirements for all electronic filings that may be used.
- (c) ~~(1)~~ **Proposal Submitted to the Commission.** An agency that ~~intends to permit~~ permits electronic filing of a statement of economic interests shall must submit a proposal, which shall must include a description of the electronic-filing system that the agency proposes to use, to the Commission for approval and certification.
 - ~~(a) An agency that submits a proposal shall include a fee of one thousand dollars (\$1,000) that is payable to the Commission for the costs of approving and certifying the proposal. However, the Counties of Los Angeles, Orange, Santa Clara, and Ventura and the City of Long Beach, which participated in the pilot program pursuant to Section 87500.1, shall not be required to pay the one thousand dollar (\$1,000) fee.~~
 - ~~(2) An agency shall not charge a person to electronically file a statement of economic interests.~~
- (d) **approval.** The Commission shall will review an agency's proposal for compliance with the system requirement regulations adopted ~~pursuant to subdivisions under~~ (a) and (b) and the requirements of ~~subdivision (d).~~ If the proposed system complies with these requirements, the Commission shall will approve and certify the agency's electronic-filing system as soon as practicable after receiving the agency's submitted proposal.
- (e) **System Requirements.** An agency's proposed electronic-filing system shall must meet the following requirements:
 - (1) **Submissions.** A statement of economic interests filed electronically shall must include an electronic transmission that is submitted under penalty of perjury and that conforms to ~~subdivision (b) of Section 1633.11 of the Civil Code; § 1633.11(b).~~

- (2) ~~(A)~~ **Confirmation of Receipt.** The agency's filing officer ~~shall~~must issue to ~~a person who electronically files his or her statement of economic interests or amendment~~the filer an electronic confirmation that ~~notifies the filer that his or her~~the statement of economic interests or amendment was received.
- (A) The confirmation ~~shall~~must include the date and ~~the~~ time that the statement of economic interests or amendment was received by the filing officer and the method by which the filer may view and print the data received by the filing officer.
- (B) ~~A~~The filer's copy ~~retained by the filer of a~~an electronically filed statement of economic interests or amendment ~~that was electronically filed and the confirmation issued pursuant to subparagraph under~~ (A) that shows that the filer timely filed ~~his or her~~their statement of economic interests or amendment ~~shall create~~creates a rebuttable presumption that the filer timely filed ~~his or her~~the statement of economic interests or amendment.
- (3) **Layered Security.** The agency ~~shall utilize~~must use an electronic filing system that includes layered security to ensure data integrity. The system ~~shall have the capability~~must be able to uniquely identify a filer electronically when ~~he or she accesses~~they access the electronic filing system. The operational process for the system ~~shall~~must include industry best practices to ensure that the security and integrity of the ~~data and~~ information contained in the statement of economic interests are not jeopardized or compromised.
- (4) **Public Copy of Statement.** The agency ~~shall provide~~must give the public ~~with~~ a copy of an official's statement of economic interests ~~upon~~on request, in accordance with ~~Section 84008.5~~Section 90235. The copy of the electronically filed statement of economic interests ~~shall~~must be ~~identical to the same as~~ the statement of economic interests published by the Commission and ~~shall~~must include the date that the statement was filed.
- (5) **No charge.** An agency must not charge anyone to electronically file a statement of economic interests.
- (f) **Redacting Information.** The Commission may adopt regulations ~~to require that~~requiring an agency to redact information on a statement of economic interests ~~prior to before~~ posting the statement ~~of economic interests~~ on the Internet.
- (g) **Audits.** The Commission may conduct discretionary audits of an agency's approved and certified electronic filing system to evaluate its performance and compliance with ~~the requirements of~~ this section.
- (h) **Forwarded Copies.** The Commission ~~shall~~will accept an electronic copy of a statement of economic interests that is forwarded to it by an agency that has received an electronically filed statement from a filer ~~pursuant to under~~ this section.
- ~~(d) A city or county that developed an electronic filing system pursuant to the pilot program established by Section 87500.1 may continue to use that system for purposes of this section, including, but not limited to, the time during which the Commission is adopting the regulations required by this section. However, after the Commission's regulations take effect, the city or county shall submit a description of its electronic filing system to the Commission for approval and certification, within a reasonable time to be determined by the Commission. A city or county shall not continue to use an electronic filing system originally developed for purposes of Section 87500.1 if the Commission does not approve and certify that electronic filing system as complying with the requirements of the Commission's regulations and the other requirements of this section.~~

§ 87500.3. § 89406. Statements of Economic Interests — Development of Electronic Filing System for the Commission. **(87500.3)**

- (a) **Online Filing System.** The Commission may develop and operate an online system for filing statements of economic interests required by Article 2 (~~commencing beginning~~ with ~~Section 87200~~§ 89200) and Article 3 (~~commencing beginning~~ with ~~Section 87300~~§ 89300). Consistent with

~~Section 87500.4~~ § 89407, the online system ~~shall~~must enable a filer to comply with ~~the~~this chapter's requirements ~~of this chapter~~ relating to the filing of statements of economic interests and ~~shall~~must include, ~~but not be limited to~~, both ~~of the following~~:

- (1) a ~~means or method whereby for~~ a filer ~~may~~to electronically file, free of charge, a statement of economic interests that includes an electronic transmission that is submitted under penalty of perjury in conformity with ~~Section 81004 of this code~~ § 84400, and ~~subdivision (b) of Section 1633.11 of the Civil Code~~; § 1633.11(b); and
 - (2) security safeguards ~~that include, including~~ firewalls, data encryption, secure authentication, and ~~all~~ necessary hardware ~~and~~ software, and industry best practices to ensure that the security and integrity of the ~~data and~~ information contained in each statement of economic interests are not jeopardized or compromised.
- (b) ~~(1)~~ **Confirmation of Filing.** A system developed ~~pursuant to subdivision under~~ (a) ~~shall~~must issue to a person who electronically files ~~his or her~~a statement of economic interests, or an amendment to a statement of economic interests, an electronic confirmation that notifies the filer that ~~his or her~~the statement of economic interests or amendment was received. The confirmation ~~shall~~must include the date and ~~the~~ time that the statement of economic interests or amendment was received and the method by which the filer may view and print the data received.
- (c) **Presumption of Timely Filing.** A paper copy retained by the filer of a statement of economic interests or amendment that was electronically filed and the confirmation issued ~~pursuant to paragraph under~~ (1) that shows that the filer timely filed ~~his or her~~the statement of economic interests or amendment ~~shall~~will create a rebuttable presumption that the filer filed ~~his or her~~the statement of economic interests or amendment on time.
- (d) **Follow-Up Procedures.** If the Commission develops an online system ~~pursuant to subdivision under~~ (a), it ~~shall~~will conduct public hearings to receive input on the implementation of that system, maintain ongoing coordination among affected state and local agencies as necessary, and develop training and assistance programs for state and local filing officers and filers ~~regarding on~~ use of the online system for filing statements of economic interests.
- (e) ~~(1)~~ **Except as provided in paragraph (2), Information Included or Redacted on Website.**
- (1) The Commission may make all the data filed on a system developed ~~pursuant to subdivision under~~ (a) available on the Commission's internet ~~Web site~~website in an easily understood format that provides the greatest public access, and ~~shall~~will provide assistance to those seeking public access to the information.
 - (2) The Commission ~~shall~~must redact private information, including, ~~but not limited to, the filers' signatures of filers~~, from the data that is made available on the Internet ~~pursuant to under~~ this subdivision. The Commission ~~shall~~will develop and implement a policy ~~regarding on~~ redaction of private information ~~for the purposes of under~~ this paragraph, and ~~shall~~must conduct one or more public hearings to receive input on ~~the development of~~ that policy.

§ 87500.4. § 89407. Statements of Economic Interests—Specifying Persons Authorized to File Electronically with the Commission. (87500.4)

(a) **Eligible Filers.** If the Commission establishes an online system ~~pursuant to Section 87500.3 under~~ § 89406, the Commission ~~shall~~will specify which categories of persons described in ~~Section 87500~~ § 89401 may file statements of economic interests electronically through the ~~established~~ online system ~~established by the~~.

~~(a)~~ **Commission-**

~~(a)(b)~~ **(1) as Filing Officer.** If the Commission, ~~pursuant to subdivision under~~ (a), specifies that persons described in ~~Section 87500~~ § 89401 may file statements of economic interests electronically through the ~~established~~ online system ~~established by the Commission, the Commission, upon authorization by the, the~~ filing officer designated by ~~Section 87500, shall~~ § 89401 may authorize the Commission to

assume the duties of the filing officer for each filer within each category of filers authorized to file electronically through the online system, ~~irrespective of~~ regardless whether the filer elects to file ~~his or her~~ their statement of economic interests electronically or on paper with the Commission. ~~A filing officer who does not authorize the Commission to assume his or her duties as described in this paragraph shall continue to perform the duties prescribed in Section 81010. The filing officer duties assumed by the Commission with respect to each filer in each authorized category shall include, but not be limited to, all of the following:~~

(1) When authorized, the Commission will assume the filing-officer duties for each filer in each authorized category, which must include:

- (A) notifying the filer of ~~his or her~~ their filing obligation-;
- (B) receiving the filer's statement of economic interests-;
- (C) ensuring compliance with filing requirements ~~in the event if~~ the filer fails to file in a timely manner or is required to amend ~~his or her~~ their statement of economic interests-; and
- (D) distributing to filing officers the copies of the completed statement of economic interests of a person who is required by this chapter to file more than one statement of economic interests for each period, and who, despite being authorized to file the statement with the Commission electronically, elects to file the statement with the Commission using a paper form.

(2) If the Commission assumes the duties of a filing officer ~~pursuant to~~ under this subdivision, the filing officer whose duties are assumed ~~shall~~ must provide to the Commission, in a manner prescribed by the Commission, the name and contact information for each filer in the filing officer's jurisdiction.

(3) ~~The Commission shall notify~~ A filing officer who ~~may be affected by a determination of~~ does not authorize the Commission ~~pursuant to~~ assume their duties as described in this section paragraph must continue to authorize a category of filers to file electronically, no later than six months before perform the ~~implementation of that determination, in order to allow adequate preparation for implementation~~ duties prescribed in § 90230.

~~(b)~~ (c) Multiple Statements of Economic Interest. A person who is required by this chapter to file more than one statement of economic interests for each reporting period and who files ~~his or her~~ their statements of economic interests with the Commission electronically after being authorized to do so ~~pursuant to Section 87500.3 is~~ under § 89406 need not ~~required to~~ file a statement of economic interests with ~~any other~~ another person or agency. If a filer authorized to file electronically with the Commission files with the Commission on paper, the Commission ~~shall~~ will distribute copies of the statement to any other filing officers ~~pursuant to subparagraph (D) of paragraph (1) of subdivision~~ under (b)(1)(D).

~~(d)~~ (1) Revised Determinations. After the Commission makes an initial determination ~~pursuant to subdivision~~ under (a) regarding on which categories of persons described in ~~Section 87500~~ § 89401 are permitted to file statements of economic interests electronically through the online system established by the Commission, the Commission may revise its determination at any time.

~~(e)~~ (2) Notification of Filing Officers. The Commission will notify a filing officer who may be affected by a determination of the Commission under this section to authorize a category of filers to file electronically, no later than six months before the implementation of that determination, to adequately prepare for implementation.

~~(e)~~ (f) Public Input. In accordance with § 89406, the Commission will continue to conduct public hearings and receive input on the implementation of the online system, and that input will inform any Commission decision to revise, under (1), its determination of which categories of persons described in § 89401 are permitted to file statements of economic interests electronically through the online system established by the Commission, ~~the Commission may subsequently revise its determination at any time.~~

~~(2) In accordance with Section 87500.3, the Commission shall continue to conduct public hearings and receive input on the implementation of the online system, and that input shall inform any decision by the Commission to revise, pursuant to paragraph (1), its determination of which~~

~~categories of persons described in Section 87500 are permitted to file statements of economic interests electronically through the online system established by the Commission.~~

§ 87505. Web Site**§ 89408. Website Notification.** **(87505)**

Each city clerk or county clerk who maintains ~~an Internet Web site~~ shalla website must post on that ~~Internet Web site~~ website a notification that includes ~~all of the following~~:

- (a) a list of the elected officers identified in ~~Section 87200~~ § 89200 who file statements of economic interests with that city clerk or county clerk ~~pursuant to Section 87500 under § 89401~~;
- (b) a statement that copies of the statements of economic interests filed by the elected officers described in ~~subdivision~~ (a) may be obtained by visiting the offices of the Commission or that city clerk or county clerk, as appropriate. ~~The statement shall include~~;
- (b)(c) the physical address for the Commission's office and the city clerk's office or the county clerk's office, as appropriate; ~~and~~
- (e)(d) a link to the Commission's ~~Internet Web site~~ website and a statement that statements of economic interests for some state and local government agency elected officers may be available in an electronic format on the Commission's ~~Internet Web site~~ website.

§ 84308. Article 5. Financial Restrictions—Contributions Causing Conflicts; Contracting and Loans

§ 89500. Contributions to Officers; Prohibition, Disqualification, and Disclosure. **(84308)**

- (a) ~~Prohibitions on Contributions during Pending Matters.~~ The definitions set forth in this subdivision shall govern the interpretation of this section.
- (a) "Party" means any person who files an application for, or is the subject of, following prohibitions on contributions apply while a proceeding involving a license, permit, or other entitlement for use is pending before an agency and for three months after the date a final decision is rendered in the proceeding by the agency.
 - (1) **Officers soliciting contributions.** An agency officer must not accept, solicit, or direct a contribution of more than \$250 from a party, a party's agent, a participant, or a participant's agent, if the officer knows or has reason to know that the party, participant, or agent has a financial interest, as defined in Article 1 (beginning with § 89100) of Chapter 9, in the proceeding. This prohibition applies regardless of whether the officer accepts, solicits, or directs the contribution for the officer, or on behalf of another officer, candidate or committee.
 - (2) **Parties and participants making contributions.** A party, a party's agent, a participant, or a participant's agent, must not make a contribution of more \$250 to an officer of the agency. When a closed corporation is a party to, or a participant in, a proceeding, the majority shareholder is subject to the prohibition and disclosure requirements under this section.
- (b) **Officer Disqualified from Making, Participating in, or Attempting to Influence a Decision after Contribution.** An agency officer must not make, participate in, or in any way attempt to use the officer's position to influence the governmental decision in a proceeding involving a license, permit, or other entitlement for use if the officer has willfully or knowingly received a contribution of more than \$250 from a party, a party's agent, a participant, or a participant's agent.
 - (1) This disqualification applies if the officer knows or has reason to know that the party, participant, or agent has a financial interest, as defined in Article 1 (beginning with § 89100) of Chapter 9, in the proceeding.

- (2) If an officer receives a contribution that requires disqualification under this section and returns the contribution within 30 days from the time the officer knows or has reason to know about the contribution and the proceeding, then the officer is permitted to participate in the proceeding.
- (c) **An Officer's Disclosure Requirement.** Before a decision is rendered in a proceeding involving a license, permit, or other entitlement for use, an officer who received a contribution within the preceding 12 months of more than \$250 from a party or a participant must disclose the contribution and the officer's disqualification, if applicable, on the record of the proceeding.
- (d) **A Party's Disclosure Requirement.** On the record of a proceeding involving a license, permit, or other entitlement for use, a party must disclose a contribution of more than \$250 made within the preceding 12 months by the party, or the party's agent, to any officer of the agency. The party's disclosure must include the names of persons whose contributions are required to be aggregated with the party's contributions.
- (e) **Application to Exempt Agencies.** This section applies to a member of an exempt agency who is acting as a voting member of a nonexempt agency.
- (f) **Definitions.** For this section, the following definitions apply:
- (1) "Agency" means an agency as defined in § 82002, except for an exempt agency. "Exempt agency" means a court or an agency in the judicial branch of government, a local government agency whose members are directly elected by the voters, the Legislature, the Board of Equalization, or a constitutional officer.
 - (2) "Contribution" includes contributions to candidates and committees in federal, state, or local elections.
 - (3) "License, permit, or other entitlement for use" means business, professional, trade, and land-use licenses and permits and other entitlements for use, including entitlements for land use, contracts (other than competitively bid, labor, or personal employment contracts), and franchises.
 - (4) "Officer" means an elected or appointed officer of an agency, an alternate to an elected or appointed officer of an agency, and a candidate for elective office in an agency.
 - (5) "Participant" means ~~any~~ a person who is not a party, but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and ~~who has a financial interest in the decision, as described defined~~ in Article 1 (commencing beginning with Section 87100 § 89100) of Chapter 7-9, in the decision. A person actively supports or opposes a particular decision in a proceeding if ~~he or she~~ that person lobbies in person ~~the officers an officer~~ or ~~employees employee~~ of the agency, testifies in person before the agency, or otherwise acts to influence ~~officers an officer~~ of the agency.
 - ~~(1) "Agency Party" means an agency as defined in Section 82003 except that it does not include the courts or any agency in the judicial branch of government, local governmental agencies whose members are directly elected by the voters, the Legislature, the Board of Equalization, or constitutional officers. However, this section applies to any a person who is a member of an exempted agency but is acting as a voting member of another agency.~~
 - ~~(2) "Officer" means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate files an application for elective office in an agency.~~
 - ~~(3) "License, permit, or other entitlement for use" means all business, professional, trade and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.~~
 - ~~(4) "Contribution" includes contributions to candidates and committees in federal, state, or local elections.~~
 - ~~(2)(6) No officer of an agency shall accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250) from any party, or his or her agent, or from any participant, or his or her agent, while, or is the subject of, a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for three months following the date a final decision is~~

rendered in the proceeding if the officer knows or has reason to know that the participant has a financial interest, as that term is used in Article 1 (commencing with Section 87100) of Chapter 7. This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution for himself or herself, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

- (b) ~~Prior to rendering any decision in a proceeding involving a license, permit or other entitlement for use pending before an agency, each officer of the agency who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding. No officer of an agency shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency if the officer has willfully or knowingly received a contribution in an amount of more than two hundred fifty dollars (\$250) within the preceding 12 months from a party or his or her agent, or from any participant, or his or her agent if the officer knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7.~~

~~If an officer receives a contribution which would otherwise require disqualification under this section, returns the contribution within 30 days from the time he or she knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, he or she shall be permitted to participate in the proceeding.~~

- (c) ~~A party to a proceeding before an agency involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars (\$250) made within the preceding 12 months by the party, or his or her agent, to any officer of the agency. No party, or his or her agent, to a proceeding involving a license, permit, or other entitlement for use pending before any agency and no participant, or his or her agent, in the proceeding shall make a contribution of more than two hundred fifty dollars (\$250) to any officer of that agency during the proceeding and for three months following the date a final decision is rendered by the agency in the proceeding. When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before an agency, the majority shareholder is subject to the disclosure and prohibition requirements specified in subdivisions (b), (c), and this subdivision.~~

- (b)(g) **Reporting Contributions.** ~~Nothing in this section shall be construed to imply that any contribution subject to being reported changes the reporting requirements for contributions under this title shall not be so reported.~~

§ 87450. Restrictions in Participation of State Officers in Decisions Relating to Contracts.

§ 89501. Prohibition on State Administrative Officials Participating in Contracts; Business Connections with Parties. (87450)

- (a) **Prohibition.** ~~In addition to the provisions of Article 1 (commencing beginning with Section 87100), no § 89100) of Chapter 9, a state administrative official shall must not make, participate in making, or in any way attempt to use his or her official position to influence any a governmental decision directly relating to any a contract where if the state administrative official knows or has reason to know that any a party to the contract is a person with whom the state administrative official, or any member of his or her the official's immediate family, has engaged in any a business transaction or transactions on terms not available to members of the public, regarding any for an investment or interest in real property, or the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more within 12 months prior to before the time the official action is to be performed.~~
- (b) ~~As used is subdivision (a),~~ **State Administrative Official; Definition.** ~~“State administrative official” has the same meaning means an official as defined in Section 87400. § 89600(b).~~

§ 87104. Prohibitions on § 89502. State Public Officials. Must Not Be Paid to Appear Before Own Agency. (87104)

- (a) ~~No~~**Prohibition.** A public official of a state agency ~~shall, for compensation, must not~~ act as an agent or attorney for, or otherwise represent, ~~any other another~~ person by making ~~anya~~ formal or informal appearance before, or ~~anyan~~ oral or written communication to, his or her state agency—or ~~anyan~~ officer or employee ~~thereof, of the agency—for compensation~~ if the appearance or communication is ~~for the purpose of influencing to influence~~ a decision on a contract, grant, loan, license, permit, or other entitlement for use.
- (b) ~~For purposes of~~**Public Official; Definition.** For this section, “public official” includes a member, officer, employee, or consultant of an advisory body to a state agency, whether the advisory body is created by statute or otherwise, ~~except when unless~~ the public official is representing ~~his or her their~~ employing state, local, or federal agency in an appearance before, or communication to, the advisory body.

§ 87460. § 89503. Loans to Public Officials. (87460)

- (a) ~~No elected officer of a state or local government agency shall,~~ **Officials Must Not Receive Loans from the date of his or her election to office through the date that he or she vacates office, Agency Staff.** The following public officials ~~must not~~ receive a personal loan from ~~anyan~~ officer, employee, member, or consultant of the state or local government agency in which the ~~elected officer official~~ holds office or over which the ~~elected officer’s official’s~~ agency has direction and control—~~during the period stated:~~
- (1) ~~No~~**Elected officials.** An elected officer of a state or local government agency is prohibited from receiving such a loan from the date of his or her election to office through the date that he or she vacates office.
- (+)(2) **High-level public officials.** A public official who is ~~required to file a statement of economic interests pursuant to Section 87200 listed under § 89200,~~ and ~~no a~~ public official who is exempt from the state civil-service system ~~pursuant to subdivisions under the California Constitution, Article VII, § 4(c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall,)~~ is prohibited from receiving such a loan while he or she holds office, ~~receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the the public official holds office or over which the public official’s agency has direction and control. This subdivision shall.~~ This paragraph does not apply to ~~loans a loan~~ made to a public official whose duties are solely secretarial, clerical, or manual.
- (b) ~~No elected officer of a state or local government agency shall,~~ **Officials Must Not Receive Loans from the date of his or her election to office through the date that he or she vacates office, Agency Contractors.** The following public officials ~~must not~~ receive a personal loan from ~~anya~~ person who has a contract with the state or local government agency ~~to in~~ which ~~that elected officer has been elected the official holds office~~ or over which ~~that elected officer’s the official’s~~ agency has direction and control—~~during the period stated.~~ This subdivision ~~shall does~~ not apply to ~~loans a loan~~ made by ~~banks a bank~~ or ~~other financial institutions institution~~ or to any indebtedness created as part of a retail—installment or credit—card transaction, if the loan is made or the indebtedness created in the lender’s regular course of business on terms available to ~~members of~~ the public without regard to the ~~elected officer’s official’s~~ official status.

(1) ~~No~~**Elected officials.** An elected officer of a state or local government agency is prohibited from receiving such a loan from the date of his or her election to office through the date that he or she leaves office.

(+)(2) **High-level public officials.** A public official who is ~~required to file a statement of economic interests pursuant to Section 87200 and not listed under § 89200, or a public official who is exempt from the state civil service system pursuant to subdivisions under the California Constitution, Article VII, § 4(c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall,~~ is prohibited from receiving such a loan while he or she the public official holds office, ~~receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans. This subdivision will not apply to a loan~~ made to a public official whose duties are solely secretarial, clerical, or manual.

(c) **Exceptions.** This section ~~shall~~**does** not apply to the following:

- (1) ~~Loans a loan~~ made to the campaign committee of an elected officer or candidate for elective office-;
- (2) ~~Loans a loan~~ made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such ~~persons, provided that person, if~~ the person making the loan is not acting as an agent or intermediary for ~~any person anyone~~ not otherwise exempted under this section-;
- (3) ~~aggregate~~ loans from a person ~~which, in the aggregate, that~~ do not exceed ~~two hundred fifty dollars (\$250)~~ at any given time-; ~~or~~
- (4) ~~Loans a loan~~ made-; or offered in writing-; before the operative date of this section.

§ 87461-§ 89504. Required Loan Terms. **(87461)**

(a) ~~Except as~~**Loans to Elected Officials Must be in Writing. Unless** set forth in ~~subdivision (b), no an~~ elected officer of a state or local government agency ~~shall, must not receive a personal loan of \$500 or more~~ from the date of his or her election to office through the date he or she vacates office, ~~receive a personal loan of five hundred dollars (\$500) or more, except when unless~~ the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, ~~term duration~~ of the loan, date or dates when payments ~~shall will~~ be due on the loan and the amount of the payments, and the ~~rate of interest paid on the loan rate.~~

(b) **Exceptions.** This section ~~shall~~**does** not apply to ~~the following types of loans a loan:~~

- (1) ~~Loans made to the elected officer's campaign committee of the elected officer-;~~
- (2) ~~Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that if~~ the person making the loan is not acting as an agent or intermediary for ~~any person anyone~~ not otherwise exempted under this section-; ~~or~~
- (3) ~~Loans made-; or offered in writing-; before the operative date of this section.~~

(c) **Scope.** Nothing in this section ~~shall exempt any person exempts anyone~~ from any other ~~provisions provision~~ of this title.

§ 87462- § 89505. Personal Loans-

Except as Gifts.

(87462)

- (a) Personal Loan May be Considered a Gift. Unless set forth in ~~subdivision~~ (b), a personal loan ~~shall become to a public official becomes~~ a gift ~~to the debtor for the purposes of under~~ this title in the following circumstances:
- (1) If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
 - (2) If the loan has no defined date or dates for repayment, when one year has elapsed from the later of ~~the following~~:
 - (A) the date the loan was made;
 - (B) the date the last payment of ~~one hundred dollars (\$100)~~ or more was made on the loan; or
 - (C) the date upon which ~~the debtor has made~~ payments on the loan aggregating to less than two hundred fifty dollars (\$250) during in the previous 12 months total less than \$250.
- (a) Exceptions. This section ~~shall~~does not apply to ~~the following types of loans~~:
- (b) a loan:
- ~~(3)~~(1) made to the campaign committee of an elected officer or a candidate for elective office;
 - ~~(4)~~(2) A loan that would otherwise not be a gift as defined in this title;
 - ~~(5)~~(3) A loan that would otherwise be a gift as set forth under ~~paragraph (a);~~ but on which the creditor has taken reasonable action to collect the balance due;
 - ~~(6)~~(4) A loan that would otherwise be a gift as set forth under ~~paragraph (a);~~ but on which the creditor, based on reasonable business considerations, has not undertaken collection action- (except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this ~~paragraph~~subdivision has the burden of proving that the decision ~~for to~~ not ~~taking~~take collection action was based on reasonable business considerations); or
 - ~~(7)~~(5) A loan made to ~~a debtor~~an official who ~~has filed~~later files for bankruptcy ~~and in which~~ the loan is ~~ultimately discharged in bankruptcy~~.
- ~~(b)~~(c) Scope. Nothing in this section ~~shall~~will exempt any person from any other ~~provisions~~provision of this title.

§ 87400. Article 6. Revolving Door; Post-Governmental Employment Restrictions.

§ 89600. Definitions.

(87400)

~~Unless the contrary is stated or clearly appears from the context, the definitions set forth in this section shall govern the interpretation of this article.~~

Under this article, the terms below are defined as follows:

- (a) “State administrative agency” means everya state office, department, division, bureau, board ~~and, or~~ commission, ~~but~~, “State administrative agency” does not include the Legislature, ~~the courts~~a court, or ~~any~~an agency in the judicial branch of government.
- (b) “State administrative official” means everya member, officer, employee, or consultant of a state administrative agency ~~who as part of his or her~~whose official responsibilities ~~engages~~include engaging in any judicial, quasi-judicial, or other proceeding in other than a purely clerical, secretarial, or ministerial capacity.
- (c) “Judicial, quasi-judicial or other proceeding” means anya proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties in anya court or state administrative agency, including ~~but not limited to any~~ proceeding governed by the Administrative Procedure Act, Chapter 5 ~~(commencing, beginning with Section 11500) of Division 3 of Title 2 of the~~ Government Code §11500.

- (d) "Participated" means to have taken part personally and substantially through decision, approval, disapproval, formal written recommendation, rendering advice on a substantial basis, or investigation or use of confidential information as an officer or employee, ~~but excluding~~. "Participated" excludes giving approval, disapproval or rendering ~~of~~ legal advisory opinions to departmental or agency staff which do not involve a specific party or parties.

§ 87407. § 89601. Influencing Prospective Employment. (87407)

~~No~~A public official ~~shall~~must not make, participate in making, or attempt to use his or her official position to influence, any a governmental decision directly relating to anya person with whom ~~he or she~~the public official is negotiating, or has anyan arrangement ~~concerning~~for, prospective employment.

§ 87401. Restrictions § 89602. Permanent Ban on Activities of Former State Officers. Officer Participating in Same Proceeding; Assisting Others. (87401, 87402)

~~No~~Prohibitions. A former state administrative official, after the termination of ~~his or her~~their employment or term of office, ~~shall for compensation must not:~~

- (a) Act as an agent or attorney for, or otherwise represent, ~~any other~~another person (other than the State of California)), for compensation, before any court or state administrative agency or anyan officer or employee ~~thereof of the court or state administrative agency~~ by making anya formal or informal appearance, or by making anyan oral or written communication with the intent to influence, in connection with anya judicial, quasi-judicial, or other proceeding if ~~both of the following apply:~~
- (1) the State of California is a party or has a direct and substantial interest; and
 - (2) the proceeding is one in which the former state administrative official participated.

§ 87402. Restrictions on Activities of Former State Officers; Assisting Others.

- (b) ~~No former state administrative official, after the termination of his or her employment or term of office shall for compensation~~ Aid, advise, counsel, consult, or assist in representing ~~any other~~another person (except the State of California)), for compensation, in anya proceeding in which the official would be prohibited from appearing under ~~Section 87401~~this section.

§ 87403. § 89603. Exemptions from Permanent Ban. (87403)

The prohibitions contained in ~~Sections 87401 and 87402 shall~~§ 89602 do not apply to:

- (a) ~~To prevent a former state administrative official from making or providing a statement, which is based on the~~ **Special Knowledge.** A former state administrative official's ~~own~~statement based on the official's special knowledge in ~~the~~a particular area ~~that is the subject of the statement, provided that,~~ if no compensation ~~is thereby for this statement is~~ received other than that regularly provided for by law or regulation for witnesses; or
- (b) ~~To~~ **Outstanding and Otherwise Unavailable Qualifications.** A former state administrative official's communications made solely ~~for the purpose of furnishing to~~ furnish information ~~by a former state administrative official if the~~to a court or state administrative agency ~~to which the communication is directed makes findings if the court or agency finds~~ in writing that:
- (1) the former state administrative official has outstanding and otherwise unavailable qualifications;
 - (2) the former state administrative official is acting with respect to on a particular matter ~~which~~that requires such qualifications; and

(3) the public interest would be served by the participation of the former state administrative official;
or

- (c) ~~With respect to appearances~~ **Agency Consent after Final Order.** A former state administrative official's appearance or ~~communications~~ communication in a proceeding ~~in which~~ where a court or state administrative agency has issued a final order, decree, decision, or judgment but has retained jurisdiction, if the state administrative agency of the former employment gives its consent ~~by~~ after determining that:

- (1) At least five years have elapsed since the termination of the former state administrative official's employment or term of office; and
- (2) The public interest would not be harmed.

§ 87404. § 89604. Proceedings to Exclude Former State Officers. **(87404)**

~~Upon~~ On the petition of ~~any~~ interested person or party, after notice and an opportunity for a hearing, the court or the presiding or other officer, including ~~but not limited to~~ a hearing officer serving ~~pursuant to Section 11512 of the~~ under Government Code § 11512, in any judicial, quasi-judicial, or other proceeding, including ~~but not limited to any~~ proceeding ~~pursuant to~~ under the Administrative Procedure Act in Chapter 5 (~~commencing, beginning with Section § 11500~~) of Part 1 of Division 3 of Title 2 of the Government Code, may ~~, after notice and an opportunity for a hearing,~~ exclude ~~any~~ person found to be in violation of this article from further participation, or from assisting or counseling ~~any other~~ another participant, in the pending proceeding ~~then pending before such court or presiding or other officer~~.

§ 87406. Milton Marks Postgovernmental Employment Restrictions Act.

§ 89605. One-Year Ban on Appearing Before Former State Agency. **(87406)**

- (a) **Title.** This section ~~shall~~ will be known, and may be cited, as the Milton Marks ~~Postgovernment~~ Post-Government Employment Restrictions Act of 1990.
- (b) **No State Legislators.** A member of the Legislature, ~~must not—~~ for a period of one year after leaving office, ~~shall, for compensation, act -- influence legislative action, by acting~~ as agent or attorney for, or otherwise ~~represent, any other~~ representing, another person ~~by making any, for compensation, through a~~ formal or informal appearance, or ~~by making any through an~~ oral or written communication, before the Legislature, any ~~committee of its committees or subcommittee thereof~~ subcommittees, any present member of the Legislature, or any officer or employee thereof, ~~if the appearance or communication is made for the purpose of influencing legislative action of a present member.~~
- (c) **No Other Elected State Officers.** An elected state officer, other than a member of the Legislature, ~~must not—~~ for a period of one year after leaving office, ~~shall, for compensation, act -- influence an~~ administrative action, or influence an action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property ~~by acting~~ as agent or attorney for, or otherwise ~~represent, any other~~ representing, another person ~~by making any, for compensation, through a~~ formal or informal appearance, or ~~by making any through an~~ oral or written communication, before ~~any~~ a state administrative agency, or ~~any~~ an officer or employee thereof, ~~if of the agency. For this subdivision, an appearance before a state administrative agency does not include an appearance or communication is for in a court of law, before an administrative law judge, or before the purpose of influencing administrative action, or influencing any~~ Workers' Compensation Appeals Board.
- (d) **State Designated Individuals.**
- (~~a~~) ~~A designated individual of a state administrative agency, or a member, officer, employee, or consultant of a state administrative agency who is required to file a statement of economic interests~~

~~under Chapter 9, must not—for one year after leaving office or employment -- influence administrative or legislative action, or influence an~~ action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property. ~~For purposes of this subdivision, an appearance before a “state administrative agency” does not include an appearance in a court of law, before an administrative law judge, or before the Workers’ Compensation Appeals Board.~~

(1) ~~(1) No designated employee of a state administrative agency, any officer, employee, or consultant of a state administrative agency who holds a position which entails the making, or participation in the making, of decisions which may foreseeably have a material effect on any financial interest, and no member of a state administrative agency, for a period of one year after leaving office or employment, shall, for compensation, act by acting as agent or attorney for, or otherwise represent, any other representing, another person, by making any for compensation, through a formal or informal appearance, or by making any through an oral or written communication, before any a state administrative agency, or an officer or employee thereof of the agency, for which he or she worked or represented during the 12 months before leaving office or employment, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property. For purposes of, For this paragraph, an appearance before a state administrative agency does not include an appearance in a court of law, before an administrative law judge, or before the Workers’ Compensation Appeals Board. The prohibition of this paragraph shall only apply to designated employees employed by a state administrative agency on or after January 7, 1991.~~

(2) ~~For purposes of paragraph (1), a state administrative agency of a designated employee individual of the Governor’s office includes any a state administrative agency subject to the direction and control of the Governor.~~

~~(e)(c) **Exception.** The prohibitions contained in subdivisions (b), (c), and (d) shall do not apply to any individual anyone subject to this section who is or becomes any of the following:~~

- ~~(1) An officer or employee of another state agency, board, or commission, if the appearance or communication is for the purpose of influencing legislative or administrative action on behalf of the state agency, board, or commission.~~
- ~~(2) An official holding an elective office of a local government agency if the appearance or communication is for the purpose of influencing legislative or administrative action on behalf of the local government agency.~~

~~(e) This section shall become operative on January 1, 1991, but only if Senate Constitutional Amendment No. 32 of the 1989-90 Regular Session is approved by the voters. With respect to Members of the Legislature whose current term of office on January 1, 1991, began in December 1988, this section shall not apply until January 1, 1993.~~

§ 87406.1. Postgovernmental § 89606. Post-Government Employment Restrictions for Air-Quality Districts and District Boards. (87406.1)

- (a) **Definitions.** ~~For purposes of this section, “district” means an air-pollution-control district or air-quality-management district, and “district board” means the governing body of an air-pollution control either district or an air quality management district.~~
- (b) **No Prohibition.** ~~A former member of a district board, and nor a former officer or employee of a district who held a position which that entailed the making, or participation in the making, of decisions which may foreseeably have a material effect on any a financial interest, shall, must not—for a period of one year after leaving that office or employment, act—receive compensation to influence~~

~~regulatory action, by acting~~ as agent or attorney for, or otherwise ~~represent, for compensation, any other person, by making any~~ through a formal or informal appearance before, or ~~by making any~~ through an oral or written communication to, that district board, or ~~any~~ committee, subcommittee, or present member of that district board, or ~~any~~ officer or employee of the district, ~~if the appearance or communication is made for the purpose of influencing regulatory action.~~

- (c) **Exception.** Subdivision (b) ~~shall~~**does** not apply to ~~any individual~~**anyone** who is, at the time of the appearance or communication, a board member, officer, or employee of another district or an employee or representative of a public agency.
- (d) **Scope.** This section applies to members and former members of district hearing boards.

§ 87406.3. Postgovernmental§ 89607. Post-Governmental Employment Restrictions for Local Officials. (87406.3)

- (a) **Prohibition.** A local elected official, chief administrative officer of a county, city manager, or general manager or chief administrator of a special district who held a position with a local government agency as defined in ~~Section 82041 shall~~**§ 82051 must** not, ~~—for a period of one year after leaving that office or employment, act as agent or attorney for, or otherwise represent, for compensation, any other person, by making any formal or informal appearance before, or by making any oral or written communication to, that local government agency, or any committee, subcommittee, or present member of that local government agency, or any officer or employee of the local government agency, if the appearance or communication is made for the purpose of influencing —influence~~ administrative or legislative action, or ~~influencing any~~**influence an** action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property ~~by acting as agent or attorney for, or otherwise representing, another person, for compensation, through a formal or informal appearance before, or through an oral or written communication to, that local government agency, or a committee, subcommittee, or present member of that local government agency, or an officer or employee of the local government agency.~~
- (b) **Exception.** Subdivision (a) ~~shall~~**does** not apply to ~~any individual~~**anyone** who is, at the time of the appearance or communication, a board member, officer, or employee of another local government agency or an employee or representative of a public agency and is appearing or communicating on behalf of that agency.
- (c) **More Restrictive Local Prohibition.** Nothing in this section ~~shall preclude~~**precludes** a local government agency from adopting an ordinance or policy that restricts the appearance of a former local official before that local government agency if that ordinance or policy is more restrictive than ~~subdivision (a).~~
- (d) ~~Notwithstanding Sections 82002~~**Definitions. Despite §§ 82001 and 8203782045,** the following definitions ~~shall~~ apply for ~~purposes of~~ this section only:
 - (1) “Administrative action” means the proposal, drafting, development, consideration, amendment, enactment, or defeat by ~~any~~ local government agency of ~~any~~ matter, including ~~any~~ rule, regulation, or other action in ~~any~~ regulatory proceeding, whether quasi-legislative or quasi-judicial. Administrative action does not include ~~any~~ action that is solely ministerial.
 - (2) “Legislative action” means the drafting, introduction, modification, enactment, defeat, approval, or veto of any ordinance, amendment, resolution, report, nomination, or other matter by the legislative body of a local government agency or by ~~any~~ committee or subcommittee ~~thereof,~~ or by a member or employee of the legislative body of the local government agency acting in ~~his or her~~**an** official capacity.

~~(a) This section shall become operative on July 1, 2006.~~

§ 87408. Postgovernmental**§ 89608. Post-Governmental** Employment Restrictions for Board of Administration of the Public Employees' Retirement System ~~and Teachers' Retirement Board.~~ **(87408, 87409, 87410)**

A member of the Board of Administration of the Public Employees' Retirement System, ~~an individual~~anyone in a position designated in ~~subdivision § 20098(a) or (e) of Section 20098,~~ or an information-technology or health-benefits manager with a career-executive-assignment designation with the Public Employees' Retirement System, ~~for a period of four years after leaving that office or position, shall~~must not, for compensation, ~~act:~~

- ~~(a) influence administrative or legislative action, or influence an action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property by acting as an agent or attorney for, or otherwise represent, any other representing, a person, except the state, by making through a formal or informal appearance before, or through an oral or written communication to, the Public Employees' Retirement System, or an officer or employee thereof, if of that agency, for four years after leaving that office or position.~~
- ~~(b) aid, advise, consult with, or assist a business entity, as defined in § 82004 and including the appearance or communication is made for entity's parent or subsidiary, in obtaining, or negotiating a contract or contractual amendment with the purpose of influencing Public Employees' Retirement System, for two years after leaving that office or position.~~
- ~~(c) provide services as a placement agent in connection with investments or other business of the Public Employees' Retirement System or the State Teachers' Retirement System for ten years after leaving that office or position. This subdivision does not apply to an information-technology or health-benefits manager with a career-executive-assignment designation with the Public Employees' Retirement System.~~

§ 89609. Post-Governmental Employment Restrictions for the Teachers' Retirement Board. **(87408, 87409, 87410)**

~~A member of the Teachers' Retirement Board, anyone in a position designated in Education Code § 22212.5(a) or (d), or an information-technology manager with a career-executive-assignment designation with the State Teachers' Retirement System must not, for compensation:~~

- ~~(a) influence administrative or legislative action, or influence an action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property, by acting as an agent or attorney for, or otherwise representing, another person, except the state, through a formal or informal appearance before, or through an oral or written communication to, the State Teachers' Retirement System, or an officer or employee of that agency, for four years after leaving that office of position.~~
- ~~(a) A member of the Teachers' Retirement Board, an individual in a position designated in subdivision (a) or (d) of Section 22212.5 of the Education Code, or an information technology manager with a career executive assignment designation with the State Teachers' Retirement System, for a period of four years after leaving that office or position, shall not, for compensation, act as an agent or attorney for, or otherwise represent, any other person, except the state, by making a formal or informal appearance before, or an oral or written communication to, the State Teachers' Retirement System, or an officer or employee thereof, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing an action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.~~

§ 87409. Restrictions on Activities of Former Investment Officials; Assisting Others.

- ~~(a) A member of the Board of Administration of the Public Employees' Retirement System, an individual in a position designated in subdivision (a) or (e) of Section 20098, or an information technology or~~

- health-benefits manager with a career executive assignment designation with the Public Employees' Retirement System, for a period of two years after leaving that office or position, shall not, for compensation, aid, advise, consult with, or assist a business entity in obtaining the award of, or in negotiating, a contract or contract amendment with the Public Employees' Retirement System.
- ~~(b) A member of the Teachers' Retirement Board, an individual in a position designated in subdivision (a) or (d) of Section 22212.5 of the Education Code, or an information technology manager with a career executive assignment designation with the State Teachers' Retirement System, for a period of two years after leaving that office or position, shall not, for compensation, aid, advise, consult with, or assist a business entity in obtaining the award of, or in negotiating, a contract or contract amendment with the State Teachers' Retirement System.~~
- ~~(c) For purposes of this section, "business entity" has the same meaning as set forth in Section 82005, and includes a parent or subsidiary of a business entity.~~

§ 87410. Postgovernmental Ban on Placement Agent Activities.

- ~~(a) A member of the Board of Administration of the Public Employees' Retirement System or an individual in a position designated in subdivision (a) or (e) of Section 20098, for a period of 10 years after leaving that office or position, shall not accept compensation for providing services as a placement agent in connection with investments or other business of the Public Employees' Retirement System or the State Teachers' Retirement System.~~
- ~~(b) A member of the Teachers' Retirement Board or an individual in a position designated in subdivision (a) or (d) of Section 22212.5 of the Education Code, for a period of 10 years after leaving that office or position, shall not accept compensation for providing aid, advise, consult with, or assist a business entity, as defined in § 82004 and including the entity's parent or subsidiary, in obtaining, or negotiating a contract or contractual amendment with the State Teachers' Retirement System, for two years after leaving that office or position.~~
- ~~(b)(c) provide services as a placement agent in connection with investments or other business of the State Teachers' Retirement System or the Public Employees' Retirement System- for ten years after leaving that office or position. This subdivision does not apply to an information-technology or health-benefits manager with a career-executive-assignment designation with the Public Employees' Retirement System.~~

§ 86100 Chapter 10. Lobbyists (§ 90000–§ 90033)

Article 1. Registration-

§ 90000. Registration. (86100; 18616.4)

- ~~(a) Required to Register. The following persons must register with the Secretary of State:~~
- ~~(1) lobbying firms;~~
 - ~~(2) lobbyist employers under § 82050(a) who employ one or more in-house lobbyists; and~~
 - ~~(3) lobbying coalitions.~~
- ~~(a)(b) Individual Lobbyists shall prepare lobbyist certifications pursuant to Section 86103. Each individual lobbyist must submit a lobbyist certification under § 90005 for filing with the Secretary of State as part of the registration of the lobbying firm in which the lobbyist is a partner, owner, officer, or employee, or as part of the registration of the lobbyist employer by which that employs the lobbyist is employed.~~
- ~~(a) Lobbying firms shall register with the Secretary of State.~~

~~(b) Lobbyist employers as defined in subdivision (a) of Section 82039.5 shall register with the Secretary of State.~~

~~(b)(c) **Not Required to Register.** Lobbyist employers as under § 82050(b) who contract only for a lobbying firm's services, and \$5,000 filers defined in subdivision (b) of Section 82039.5 and persons described in subdivision (b) of Section 86115 § 90027(a)(2), are not required to register with the Secretary of State but shall file statements pursuant to this article, but must:~~

~~(c) A registration statement shall be filed both by online or electronic means and physically, submitting the original statement and one copy, in paper format.~~

~~(1) § 86101, complete a written authorization for a lobbying firm to engage in activities on its behalf, which must be filed with the lobbying firm's registration; and~~

~~(2) maintain records and file quarterly reports under this chapter.~~

§ 90001. Registration; Time, and Method. (86101, 86100(e))

(a) **Time.** Every lobbying firm and lobbyist employer ~~who is~~ required to file a registration statement under this chapter ~~shall~~must register with the Secretary of State no later than 10 days after qualifying as a lobbying firm or lobbyist employer.

~~(b) § 86102, Method. A registration statement must be filed both electronically and in paper format by submitting the original statement and one copy of the registration.~~

§ 90002. Registration Fees. (86102)

(a) **Annual Fee.** The Secretary of State ~~shall~~will charge each lobbying firm and lobbyist employer required to file a registration statement ~~under this chapter~~ a fee of ~~fifty dollars (\$50)~~ per year for each lobbyist ~~it is~~ required to ~~be listed~~list on its registration statement.

(b) ~~One-PDATA Fund.~~ The Secretary of State ~~must deposit~~ half ~~of the moneys~~money collected ~~pursuant to~~under this section ~~shall be deposited in~~into the Political Disclosure, Accountability, Transparency, and Access Fund, ~~(PDATA Fund)~~ and the other ~~one-half of the moneys~~ shall be deposited ininto the general fund.

§ 86104. § 90003. Lobbying Firm; Registration Requirements. (86104)

~~The registration of~~ Registration for a lobbying firm ~~shall~~must include:

(a) ~~The~~**Lobbying Firm.** The following information regarding the lobbying firm:

- ~~(1) the firm's~~ full name, business address, and telephone number ~~of the lobbying firm;~~
- ~~(2) a list of the lobbyists who are partners, owners, officers, or employees of the lobbying firm;~~
- ~~(3) the lobbyist certification of each lobbyist in the lobbying firm; and~~
- ~~(4) For the name and title of the lobbying firm's partner, owner, or officer who is the designated individual responsible for filing statements and reports and keeping records required by this chapter on the lobbying firm's behalf;~~

(b) **Lobbying Firm's Clients.** The following information regarding each person with whom the lobbying firm contracts to provide ~~the following~~ lobbying services:

- ~~(1) the person's~~ full name, business address, and telephone number ~~of the person;~~
- ~~(2) a written authorization signed by the person;~~
- ~~(3) the time period of the contract;~~
- ~~(4) information sufficient to identify the person's nature and interests of, which must include the following if the person~~ including is:

- (A) ~~If the person is~~ **An individual.** The name and address of ~~his or her~~ **the person's** employer, ~~if any, — or his or her if self-employed, the person's~~ principal place of business ~~if the person is self-employed, —~~ and a description of the business activity in which the person or his or her employer is engaged.
- (B) ~~If the person is~~ **A business entity.** A description of the business activity in which it is engaged.
- (C) ~~If the person is~~ **An industry, trade, or professional association.** A description of the industry, trade, or profession ~~which~~ it represents, including a specific description of any ~~portion~~ **part** or faction of the industry, trade, or profession ~~which~~ the association exclusively or primarily represents and, if the association has ~~not more than 50~~ **or fewer** members, the names of ~~the~~ **its** members.
- (A) ~~If the person is not an individual, business entity, or industry, trade, or professional association, a statement of the person's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived.~~
- (2) ~~The lobbying interests of the person.~~
- (3) ~~A list of the state agencies whose legislative or administrative actions the lobbying firm will attempt to influence for the person.~~
- (b) ~~The name and title of a partner, owner, or officer of the lobbying firm who is responsible for filing statements and reports and keeping records required by this chapter on behalf of the lobbying firm, and a statement signed by the designated responsible person that he or she has read and understands the prohibitions contained in Sections 86203 and 86205.~~
- (c) ~~Any other information required by the Commission consistent with the purposes and provisions of this chapter.~~

§ 86105. Lobbyist Employer; Registration Requirements.

The registration of a lobbyist employer shall include:

- (a) ~~The full name, business address, and telephone number of the lobbyist employer.~~
- (b) ~~A list of the lobbyists who are employed by the lobbyist employer.~~
- (c) ~~The lobbyist certification of each lobbyist employed by the lobbyist employer.~~
- (d) ~~Information sufficient to identify the nature and interests of the filer, including:~~
 - (1) ~~If the filer is an individual, the name and address of the filer's employer, if any, or his or her principal place of business if the filer is self-employed, and a description of the business activity in which the filer or his or her employer is engaged.~~
 - (2) ~~If the filer is a business entity, a description of the business activity in which it is engaged.~~
 - (3) ~~If the filer is an industry, trade, or professional association, a description of the industry, trade, or profession which it represents including a specific description of any portion or faction of the industry, trade, or profession which the association exclusively or primarily represents and, if the association has not more than 50 members, the names of the members.~~
 - (D) ~~If the filer is not an individual, business entity, or industry, trade, or professional association,~~ **Other.** A statement of the person's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest ~~which~~ **that** the person principally represents or from which its membership or financial support is principally derived.
- (5) ~~the~~ **person's** lobbying interests ~~of the lobbyist employer,~~ and
- (6) a list of the state agencies whose legislative or administrative actions the ~~lobbyist employer~~ **lobbying firm** will attempt to influence ~~for the person;~~

- (c) **Statement of Designated Responsible Individual.** A statement, signed by the designated responsible individual specified in (a)(4), that he or she has read and understands the prohibitions contained in this chapter; and
- ~~(e)~~(d) **Other Information.** Any other information required by the Commission consistent with ~~the~~this chapter's purposes and provisions of this chapter.

§ 86103. § 90004. Lobbyist Employer; Lobbying Coalition; Registration Requirements. **(86105, 18616.4)**

Registration for a lobbyist employer of in-house lobbyists or for a lobbying coalition must include:

- (a) **Lobbyist Employer/Lobbying Coalition.** The following information regarding the lobbyist employer or coalition:
- (1) the employer's or coalition's full name, business address, and telephone number;
 - (2) information sufficient to identify the filer's nature and interests, which must include the following if the filer is:
 - (A) **An individual.** The name and address of the filer's employer—or if self-employed, the filer's principal place of business—and a description of the business activity in which the filer or his or her employer is engaged.
 - (B) **A business entity.** A description of the business activity in which it is engaged.
 - (C) **An industry, trade, or professional association.** A description of the industry, trade, or profession it represents, including a specific description of any part or faction of the industry, trade, or profession the association exclusively or primarily represents and, if the association has 50 or fewer members, the names of its members.
 - (D) **Other.** A statement of the filer's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest that the filer principally represents or from which its membership or financial support is principally derived.
 - (3) the lobbyist employer's or coalition's lobbying interests; and
 - (4) a list of the state agencies whose legislative or administrative actions the lobbyist employer or coalition will attempt to influence;
- (b) **In-house Lobbyist.** The following information regarding in-house lobbyists:
- (1) a list of the lobbyists employed by the lobbyist employer or coalition; and
 - (2) the lobbyist certification of each lobbyist employed.
- (c) **Other Information.** Any other information required by the Commission consistent with this chapter's purposes and provisions.

§ 90005. Lobbyist Certification; Requirements. **(86103)**

- (a) **Certification.** A lobbyist certification ~~shall~~must include ~~all of the following~~:
- (1) a recent photograph of the lobbyist, ~~in~~ the size ~~of which shall be~~prescribed by the Secretary of State;
 - (2) the ~~lobbyist's~~ full name, business address, and telephone number ~~of the lobbyist~~; and
 - (3) a statement that the lobbyist has read and understands the prohibitions contained in ~~Sections 86203 and 86205~~this chapter.
- (b) ~~(1)~~ **Statement on Required Ethics Course.** Every lobbyist must complete the ethics course described in § 8956(b) and provide a statement regarding completion with the applicable certification as follows:
- (1) **Previously filed lobbyist certification.** For a lobbyist who filed a completed lobbyist certification in connection with the ~~last~~previous regular session of the Legislature, the current certification must include a statement that either the lobbyist:
 - (A) has completed, ~~the ethics course~~ within the previous 12 months; or

~~(B) will complete no later than June 30 of the following year, the course described in subdivision (b) of Section 8956. If the lobbyist certification states that the lobbyist will complete the course no later than June 30 of the following year, the certification shall be accepted on a conditional basis. Thereafter, if the lobbyist completes the course ethics course no later than June 30 of the following year, in which case, the lobbyist shall certification will be accepted on a conditional basis.~~

~~(2) **New lobbyist certification.** In the case of a new lobbyist certification, if the lobbyist has not completed the course within the previous 12 months, the lobbyist must include a statement that the lobbyist will complete the course within 12 months. The lobbyist certification will be accepted on a conditional basis.~~

~~(4)(3) **Conditional lobbyist certification.** If a certification is accepted on a conditional basis the lobbyist must timely complete the ethics course and file a new lobbyist certification with the Secretary of State which shall that will replace the conditional lobbyist certification previously filed. If the lobbyist certification states that the lobbyist will complete the course no later than June 30 of the following year and the lobbyist fails to do so timely complete the ethics course, the conditional lobbyist certification shall will be void, and the individual shall must not act as a lobbyist pursuant to under this title until he or she has completed the individual completes the course and filed with the Secretary of State files a lobbyist certification stating that he or she has completed the course and the date of completion. It shall be is a violation of this section for any an individual to act as a lobbyist pursuant to under this title once his or her conditional certification is void.~~

~~(2) If, in the case of a new lobbyist certification, the lobbyist has not completed the course within the previous 12 months, the lobbyist certification shall include a statement that the lobbyist will complete a scheduled course within 12 months, and the lobbyist certification shall be accepted on a conditional basis. Following the lobbyist's completion of the ethics course, the lobbyist shall file a new lobbyist certification with the Secretary of State which shall replace the conditional lobbyist certification previously filed. If the new lobbyist certification states that the lobbyist will complete the course within 12 months and the lobbyist fails to do so, the conditional lobbyist certification shall be void and the individual shall not act as a lobbyist pursuant to this title until he or she has completed the course and filed with the Secretary of State a lobbyist certification stating he or she has completed the course and the date of completion. It shall be a violation of this section for any individual to act as a lobbyist pursuant to this title once his or her conditional certification is void.~~

~~(e) Any other information required by the Commission consistent with the purposes and provisions of this chapter.~~

~~(c) **§ 86106. Renewal of Other Information.** The lobbyist must provide any other information required by the Commission consistent with this chapter's purposes and provisions.~~

§ 90006. Registration. Statement and Certification Renewal. (86106)

~~(a) **Registration Statement.** To continue activities that require registration, each registered lobbying firm and lobbyist employer which will be conducting activities which require registration shall must renew its registration by filing photographs of its lobbyists, authorizations from clients, and a registration statement between November 1 and December 31, of each even-numbered year.~~

~~(a)(b) **Certification.** Each lobbyist shall must renew his or her lobbyist certification in connection with the renewal of registration by the lobbyist's lobbying firm or employer.~~

§ 86107. § 90007. Registration Statement and Certification; Amendment; Termination.

(86107)

- (a) **Registration-Statement Amendments.** ~~If any change occurs in any of the information contained in a registration statement, changes, the lobbying firm or lobbyist employer must file an appropriate amendment shall be filed both by online or electronic means and physically, electronically and in paper format by~~ submitting the original and one copy of the amendment, ~~in paper format, with to~~ the Secretary of State within 20 days after the change. ~~However, But~~ if the change includes the name of a person by whom a lobbying firm is retained, the lobbying firm's registration statement ~~of the lobbying firm shall must~~ be amended and filed to show that change ~~prior to before~~ the lobbying firm's attempting firm attempts to influence any legislative or administrative action on behalf of that person. ~~Lobbying firms and lobbyist employers that,~~
- (b) **Registration-Statement Termination.** ~~If~~ during a regular session of the Legislature, ~~cease a lobbying firm or lobbyist employer ceases~~ all activity that required registration ~~shall, it must~~ file with the Secretary of State a notice of termination within 20 days after the cessation. ~~Lobbying firms and lobbyist employers that, If~~ at the close of a regular session of the Legislature, ~~cease a lobbying firm or lobbyist employer ceases~~ all activity that required registration ~~are, it is~~ not required to file a notice of termination.
- (c) ~~If any change occurs in any of the~~ **Certification Amendments and Terminations.** ~~If~~ information ~~contained in a lobbyist certification changes,~~ or if a lobbyist terminates all activity that required the certification, the lobbyist ~~shall must~~ submit an amended certification or notice of termination to his or her lobbying firm or lobbyist employer for filing with the Secretary of State within the time limits specified in ~~subdivision (a)- and (b).~~ A lobbyist who, at the close of a regular session of the Legislature, ceases all activity that required certification ~~is need~~ not ~~required to~~ file a notice of termination.
- (d) **Continuing Restriction on Gifts.** Lobbyists and lobbying firms are subject to ~~Section 86203 the gift limits in § 90032~~ for the earlier of six months after either:
- (1) filing a notice of termination; or
 - (2) ~~six months after~~ the close of a regular session of the Legislature ~~at the close of which, if~~ the lobbyist or lobbying firm ceased all activity that required certification or registration when the session closed.

§ 86108. § 90008. Registration Statement; Publication.

(86108)

Within 30 days after filing, the Secretary of State must make publically available, all information listed on ~~any~~ a registration statement ~~and or~~ on any an amendment, renewal, or notice of termination ~~shall be printed by the Secretary of State and made public within 30 days after filing.~~

§ 86109.5. § 90009. Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers; Online Version.

(86109, 86109.5)

- (a) **The Directory.** Within 140 days after the commencement of each regular session of the Legislature, the Secretary of State shall will publish a directory of registered individual lobbyists, lobbying firms, and lobbyist employers. When necessary the Secretary of State will publish supplements to the directory.
- (b) **Online.** The Secretary of State must establish and maintain on the Internet an online version of the directory of Lobbyist, Lobbying Firms, and Lobbying Employers. The Secretary of State shall update the directory and maintain it with weekly updates.

- ~~(b)(c) **Changes.** On the online directory, the Secretary of State shall also display on the Internet a must~~
list ~~of~~ the specific changes made to the directory ~~of Lobbyist, Lobbying Firms, and Lobbying~~
~~Employers~~, including new registrations and listings, additions, deletions, and other revisions, during
the seven days preceding the update required by ~~subdivision (a).~~
- ~~(a) This section may not be implemented until July 1, 2001, unless otherwise authorized by the~~
~~Department of Information Technology pursuant to Executive Order D-3-99.~~
- ~~(e)(d) **Notwithstanding Addresses.** Despite any other provision of this title, the online directory's~~
lobbying data ~~made available on the Internet shall will~~ include the street name and building number
of the persons or entity representatives listed on all ~~the~~ documents submitted to the Secretary of State
~~pursuant to Chapter 6 (commencing with Section 86100) under this chapter.~~

§ 86300. § 90010. Lobbyist Registration Exemptions. (86300)

~~The provisions of~~ This chapter ~~are~~ does not ~~applicable~~ apply to:

- (a) ~~Any~~ **State Elected Officials or State Employees Acting in Official Capacity.** ~~An~~ elected public
official acting in his or her official capacity, or ~~any~~ an employee of the State of California acting
within the scope of his or her employment; ~~provided that, But if~~ an employee of the State of
California, other than a legislative official, ~~who~~ attempts to influence legislative action and ~~who~~
would be required to register as a lobbyist except for the provisions of this subdivision ~~shall not~~
make, then the employee is prohibited from making gifts of more than ~~ten dollars (\$10)~~ in a
calendar month to an elected state officer or legislative official.
- (b) ~~Any~~ **Media Entities.** ~~A~~ newspaper or other periodical of general circulation, book publisher, radio or
television station (media entity), including any individual who owns, publishes, or is employed by
any such ~~newspaper or periodical, radio or television station) which~~ media entity, that in the ordinary
course of business publishes news items, editorials, or other comments, or paid advertisement,
~~which that~~ directly or indirectly urge legislative or administrative action, ~~if such newspaper,~~
~~periodical, book publisher, radio or television station the media entity~~ or individual, engages in no
further ~~or other~~ activities in connection with urging legislative or administrative action other than to
appear before a committee of the Legislature or before a state agency in support of or in opposition
to such action; ~~or.~~
- (c) **Church or Religious Representatives.** A person when representing a bona fide church or religious
society solely ~~for the purpose of protecting to protect~~ the public right to practice the doctrines of
~~such that~~ church or society.

§ 86110. Article 2. Lobbyist Recordkeeping and Reporting.

§ 90020. Recordkeeping. (86110)

Lobbyists, lobbying firms, and lobbyist employers ~~which that~~ receive payments, make payments or incur
expenses, or expect to receive payments, make payments or incur expenses in connection with activities
~~which that~~ are reportable ~~pursuant to under~~ this chapter ~~shall must~~ keep detailed accounts, records, bills,
and receipts as ~~shall be~~ required by regulations adopted by the Commission to expedite the performance
of all obligations imposed by this chapter.

§ 86111. § 90021. Definitions; Activity Expense Expenses; Agency Official. (86111)

The following definitions apply only for purposes of this chapter.

- (a) **Activity Expense.** “Activity expense” ~~as used in this chapter~~ means anyan expense incurred or payment made by a lobbyist, lobbying firm, lobbyist employer, or \$5,000 filer (as defined under § 90027(a-person described in subdivision (b) of Section 86115,)(2))—or arranged by a lobbyist or lobbying firm, ~~which — that~~ benefits ~~in whole or in part anyan~~ elective state official, legislative official, state candidate, agency official, ~~state candidate~~, or a member of ~~the~~his or her immediate family ~~of one of these individuals.~~
- (1) **Applicable expenses.** Activity expenses include gifts, honoraria, consulting fees, salaries, and any other form of compensation ~~but do not include campaign contributions.~~
- (2) **Excluded expenses.** Activity expenses do not include campaign contributions.
- (b) **Agency Official.** “Agency official” ~~as used in this chapter~~ means anyan official of a state agency ~~whose administrative actions the~~that a lobbyist, lobbying firm, lobbyist employer, or ~~person~~ described in subdivision (b) of Section 86115 \$5,000 filer has attempted or is attempting to influence.

§ 86112. § 90022. Activity Expenses; Reporting. **(86112)**

Required Report. When a person is required to report activity expenses ~~pursuant to under~~ this article, all the following information ~~shall~~must be provided:

- (a) ~~The date and amount of~~ for each activity expense:
- (1) **The full Date.** The date the expense was incurred or the event occurred.
- (2) **Payee.** The name and address of the vendor or person that incurred the expense or to whom payment was made.
- (a) ~~Reportable person.~~ The name and official position, ~~if any, of the beneficiary~~ of each expense, ~~a description of the benefit, reportable person who benefited from the payment~~ and the amount of benefit:
- (1)(3) ~~The full name of the payee of~~ that each expense ~~if other than the beneficiary~~reportable person received.
- (4) **Description of benefit.** A description of the goods or services that each reportable person received.
- (5) **Total amount of activity.** In addition to the amount that benefited each reportable person in (3) above, the total amount paid, arranged, or incurred for the activity.
- (b) **Regulations.** Any other information required by the Commission consistent with ~~the~~this chapter’s purposes and provisions ~~of this chapter.~~

§ 86112.3. § 90023. Invitations to Events. **(86112.3)**

- (a) **Notice of Reportable Gift Before Event.** Each person filing a report ~~pursuant to under~~ this article who sends ~~any written or printed~~an invitation to an elected state officer, candidate for elective state office, legislative official, or agency official, ~~shall~~must include on the invitation, or on a letter attached to the invitation, the following ~~typed, printed, or handwritten statement that is~~notice: “Attendance at least as large and this event by a public official will constitute acceptance of a reportable gift.” The notice must be readable ~~as in~~ 8–point or larger Roman boldface type, in a color or print that contrasts with the background so as to be easily legible: ~~Attendance at this event by a public official will constitute acceptance of a reportable gift.~~
- (b) **Notice Not Required if No Reportable Gift.** The notice ~~specified in subdivision (a)~~ shallis not be required ~~to appear on any invitation wherein attendance at if attending~~ the event described in the invitation willdoes not constitute acceptance of a reportable gift by an elected state officer, candidate for elective state office, legislative official, or agency official, ~~pursuant to paragraph (1) of subdivision (a) of Section 87207. under § 89208(b).~~

- (c) **Penalties.** The remedies ~~provided in Chapter 13, Article 3 (commencing with Section 83100), §§ 90320–90347~~ constitute the exclusive penalty for a violation of this section. The remedies ~~provided in Chapter 11 (commencing with Section 91000) §§ 90324–90331~~ do not apply to this section.

§ 86112.5 § 90024. Notification to Beneficiary of a Gift. (86112.5)

- (a) **Notice of Reportable Gift After Event.** Each ~~person filing a report pursuant to~~ filed under this article ~~shall provide~~ must contain:
- (1) each beneficiary of a gift ~~listed within the report the following information~~;
 - (2) the date and amount of each gift reportable by the beneficiary; and
 - (3) a description of the goods or services provided to the beneficiary.
- (b) **Time and Form of Notice.** The information ~~required to be disclosed pursuant to subdivision under~~ (a) ~~shall~~ must be provided to the beneficiary within 30 days following the end of each calendar quarter in which the gift was provided. ~~For the purposes of meeting the~~ To meet this section's disclosure requirements ~~of this section~~, a lobbyist firm or lobbyist employer ~~may provide~~ can give the beneficiary a copy of the activity, expense section of the report submitted to the Secretary of State ~~pursuant to~~ under this article.
- (c) **Penalties.** The remedies ~~provided in Chapter 13, Article 3 (commencing with Section 83100), §§ 90320–90347~~ constitute the exclusive penalty for a violation of this section. The remedies ~~provided in Chapter 11 (commencing with Section 91000) §§ 90324–90331~~ do not apply to this section.

§ 86113. § 90025. Periodic Reports; Lobbyists; Contents. (86113)

- (a) **Content of Reports.** A lobbyist ~~shall~~ must complete and verify a periodic report ~~which contains that~~ lists:
- (1) ~~A report of~~ All activity expenses by the lobbyist during the reporting period; and
 - (2) ~~A report of~~ All contributions of ~~one hundred dollars (\$100)~~ or more made or delivered by the lobbyist to ~~any~~ an elected state officer or state candidate during the reporting period.
- (b) **Report Submission and Timing.** A lobbyist ~~shall~~ must provide the original of his or her periodic report to his or her lobbyist employer or lobbying firm within two weeks ~~following~~ after the end of each calendar quarter.

§ 86114. § 90026. Periodic Reports; Lobbying Firms; Contents. (86114)

- (a) **Content of Reports.** Lobbying firms ~~shall~~ must file periodic reports containing all ~~of~~ the following:
- (1) ~~The~~ Firm's information. The lobbying firm's full name, address, and telephone number ~~of the~~ lobbying firm.
 - (2) ~~The full name, business address, and telephone number of~~ Client's information. For each person who contracted with the lobbying firm for lobbying services, ;
 - (A) the full name, business address, and telephone number of person;
 - (A)(B) a description of the person's specific lobbying interests ~~of the person~~; and
 - (B)(C) the total payments, including fees and ~~the expense~~ reimbursement of expenses, received from the person for lobbying services during the reporting period.
 - (2)(3) Payments received. The total amount of payments received for lobbying services during the period.

~~(3)(4)~~ **Lobbyist reports.** A periodic report completed and verified by each lobbyist in the lobbying firm ~~pursuant to Section 86113, under § 90025.~~

~~(4)(5)~~ **Activity expenses.** Each activity expense incurred by the lobbying firm, including those reimbursed by a person who contracts with the lobbying firm for lobbying services, ~~and~~ a total of all activity expenses of the lobbying firm and all ~~of its lobbyists shall be included.~~

~~(5)(6)~~ **Subcontractor information.** If the lobbying firm subcontracts with another lobbying firm for lobbying services:

(A) the ~~subcontractor's~~ full name, address, and telephone number ~~of the subcontractor;~~

(B) the name of the person for whom the subcontractor was retained to lobby; ~~and~~

(C) the total amount of all payments made to the subcontractor during the reporting period.

~~(6)(7)~~ **Contributions.** The date, amount, and the name of the recipient of ~~any~~ contribution of ~~one hundred dollars (\$100)~~ or more made by the filer to an elected state officer, a state candidate, a committee controlled by an elected state officer or state candidate, or a committee primarily formed to support such officers or candidates. ~~If this~~ The contribution is reported by the lobbying firm or by a committee sponsored by the lobbying firm in a campaign statement filed ~~pursuant to~~ under Chapter 4 ~~which that~~ is required to be filed with the Secretary of State, the filer may report only the committee's name ~~of the committee~~ and ~~the~~ identification number ~~of the committee.~~

~~(7)(8)~~ **Other information.** Any other information required by the Commission consistent with ~~the~~ this chapter's purposes and provisions ~~of this chapter.~~

- (b) **Lobbying Firms Without Registered Lobbyist.** In addition to the information required ~~by~~ subdivision (a), lobbying firms ~~which that~~ qualify ~~pursuant to paragraph (under § 82048(a)(2) of subdivision (a) of Section 82038.5 shall must~~ also report the name and title of each partner, owner, officer, and employee of the lobbying firm who, on at least five separate occasions during the reporting period, ~~engaged in direct communication~~ directly communicated with ~~any~~ an elective state official, legislative official, or agency official, ~~for the purpose of influencing to influence~~ legislative or administrative action on behalf of a person ~~who contracts~~ contracting with the lobbying firm for lobbying services. This does not include individuals whose actions were purely clerical.

86115§ 90027. Periodic Reports; Lobbyist Employers and Others; \$5,000 Filers; Lobbying Coalitions; Contents. (86115, 86116)

- (a) **Persons Required to Report.** Subject to the exceptions in ~~Section 86300§ 90010,~~ the following persons ~~shall must~~ file ~~the statements reports as~~ required by ~~Section 86116~~ this section:

~~(a)~~ Any lobbyist employer; and

~~(1) (b)~~ Any lobbyist employers;

~~(4)(2)~~ "\$5,000 filers," meaning a person who directly or indirectly makes payments to influence legislative or administrative action of ~~five thousand dollars (\$5,000)~~ or more in value in ~~any~~ any calendar quarter, unless all ~~of the~~ payments are ~~of the type described in subdivision (c) of Section 82045 for activity expenses; and~~

~~(3) § 86116. Periodic~~ Lobbying coalitions.

Content of Reports; Employers and Others; Contents.

- (b) . Every person described in ~~Section 86115 shall~~ (a) must file periodic reports containing the following information:

(1) **Filer's information.** The name, business address, and telephone number of the lobbyist employer or other person filing the report.

(2) **Payments to lobbying firms.** The total amount of payments to each lobbying firm.

- (3) **Payments to in-house lobbyists.** The total amount of all payments to in-house lobbyists employed by the filer.
- (4) **Lobbying interests.** A description of the filer's specific lobbying interests ~~of the filer.~~
- (5) **In-house lobbyist reports.** A periodic report under § 90025 completed and verified by each in-house lobbyist employed by ~~the~~ lobbyist employer ~~pursuant to Section 86113.~~
- (6) **Activity expenses.** Each activity expense of the filer ~~and~~ a total of all activity expenses of the filer ~~shall be included.~~
- (7) **Contributions.** The date, amount, and the name of ~~the recipient of anyone receiving a~~ contribution of ~~one hundred dollars (\$100)~~ or more made by the filer to an elected state officer, a state candidate, or a committee controlled by an elected state officer or state candidate, or a committee primarily formed to support the officer or candidate. If this contribution is reported by the filer or by a committee sponsored by the filer in a campaign statement filed ~~pursuant to~~ under Chapter 4 ~~which is required to be filed~~ that requires filing with the Secretary of State, the filer ~~may~~ can report only the committee's name ~~of the committee,~~ and ~~the~~ identification number ~~of the committee.~~
- (8) **(1) Except as set forth in paragraph (2), Other payments to influence.** The total of all other payments to influence legislative or administrative action ~~including, unless set forth in (B).~~
 - (A) **Definition. Other payments to influence include** overhead expenses and all payments to employees who spend 10 ~~percent~~ % or more of ~~their~~ his or her compensated time in any one month in activities related to influencing legislative or administrative action.
 - (B) **PUC exception. If** a filer ~~that~~ makes payments to influence a ratemaking or quasi-legislative proceeding before the Public Utilities Commission, ~~(as defined in subdivision § 82001(b) or (e), respectively, of Section 82002, may, (1)-(b)(2))~~ the filer can report in lieu of reporting ~~those~~ the payments ~~pursuant to~~ under this paragraph ~~(1), report~~ 8, only the ~~portion~~ part of those payments made ~~to or~~ for the filer's attorneys for time spent appearing as counsel and preparing to appear as counsel, or to or for the filer's witnesses for time spent testifying and preparing to testify, in this type of Public Utilities Commission proceeding. This alternative reporting of these payments made during a calendar month ~~is~~ need not ~~required to~~ include payments made to an attorney or witness who is an employee of the filer if less than 10 ~~percent~~ % of his or her compensated time in that month was spent in appearing, testifying, or preparing to appear or testify before the Public Utilities Commission in a ratemaking or quasi-legislative proceeding. For ~~the purposes of~~ this paragraph, ~~(8),~~ time spent preparing to appear or preparing to testify does not include time spent preparing written testimony.
- (c) **Other Information.** Any other information required by the Commission consistent with ~~the~~ this chapter's purposes and provisions ~~of this chapter.~~

§ 86116.5. § 90028. Periodic Reports; State and Local Government Agencies. (86116.5)

- (a) **Additional Disclosure.** In addition to the information required ~~pursuant to Section 86116~~ under § 90027, all state and local agencies that file reports ~~pursuant to Sections 86115 and 86116~~ shall under that section must disclose, except for overhead expenses, all payments of ~~two hundred fifty dollars (\$250)~~ or more made in a reporting period, including, ~~but not limited to, all of the following:~~
 - (1) goods and services used by ~~a lobbyist or used to support or assist~~ a lobbyist in connection with his or her lobbying activities ~~as a lobbyist;~~
 - (2) payments of any other expenses ~~which that~~ would not have been incurred but for the filer's activities to influence or attempt to influence legislative or administrative action; ~~and~~
 - (3) dues or similar payments made to any organization, ~~including that makes expenditures to~~ influence legislative or administrative action equal to 10% of its total expenditures or \$15,000, or more, during a calendar quarter. For purposes of this section, an organization includes a

federation, confederation, or trade, labor, or membership organization, ~~that makes expenditures equal to 10 percent of its total expenditures, or fifteen thousand dollars (\$15,000), or more, during any calendar quarter, to influence legislative or administrative action.~~

- (b) **Form and Content of Reports.** Reports required ~~pursuant to~~ under this section ~~may~~ can be disclosed on a separate schedule and ~~shall~~ must include ~~all of the following information:~~
- (1) the payee's name and address ~~of the payee;~~
 - (2) the total payments made during the reporting period ~~;~~ and
 - (3) the cumulative amount paid during the calendar year.

All statements § 90029. Periodic Reports; Filing; When and Where. (86117, 86118)

- (a) **When to File.** Reports required by ~~this section shall~~ §§ 90026, 90027, and 90028 must be filed as ~~specified~~ follows:

~~(a) First report; period covered; totals.~~ The period covered by Sections 86117 and 86118.

§ 86117. Periodic Reports; Filing; Time.

- (1) ~~Reports~~ the first report a person is required to file must begin with the first day of the calendar quarter in which the filer first registered or qualified. The total amount on the first report must be stated for the entire calendar quarter covered by Sections 86114 and 86116 shall ~~the first report.~~

~~(+)(2)~~ Quarterly reports; period covered; totals. The reports must be filed during the month following each calendar quarter. The period covered ~~shall~~ must be from the first day of January of each new biennial legislative session through the last day of the calendar quarter ~~prior to~~ before the month ~~during which~~ when the report is filed, ~~except as~~ unless specified in ~~subdivision (b)(1),~~ and except that the period covered ~~shall~~ must not include ~~any~~ information reported in previous reports filed by the same person. When total amounts are required to be reported, totals ~~shall~~ must be stated both for the period covered by the statement and for the entire legislative session to date.

- ~~(a) The period covered by the first report a person is required to file pursuant to Sections 86114 and 86116 shall begin with the first day of the calendar quarter in which the filer first registered or qualified. On the first report a person is required to file, the total amount shall be stated for the entire calendar quarter covered by the first report.~~

~~(3) § 86118. Periodic Reports; Reports may be filed early.~~ A person may file the periodic report before the time specified in this subdivision as long as the report includes all information required for that period. If the filer engages in a reportable activity after filing the periodic report, but before the last day of the period, the filer must amend the filed report to include all such reportable activity, no later than the time specified in this subdivision.

- (b) **Where to File.** The original and one copy of each report ~~required by Sections 86114 and 86116 shall~~ must be filed with the Secretary of State; ~~unless §§ 84305 and 90246 do not require filing in paper format is no longer required by Sections 84605 and 84606.~~

§ 81004. § 90030. Periodic Reports and Statements; —Perjury; and Verification; Amendment.

All reports and statements (81004, 81004.5)

- (a) Reports filed under this ~~title shall~~ chapter must be signed by the filer under penalty of perjury and verified by the filer. ~~The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his knowledge it is true and complete. in conformity with § 84400 and Civil Code § 1633.11(b).~~

~~(a) A report or statement filed by a committee which qualifies under subdivision (a) of Section 82013 shall be signed and verified by the treasurer, and a report or statement filed by any other person shall be signed and verified by the filer. If the filer is an entity other than an individual, the report or statement shall be signed and verified by a responsible officer of the entity or by an attorney or a certified public accountant acting as agent for the entity. Every person who signs and verifies any report or statement required to be filed under this title which contains material matter which he knows to be false is guilty of perjury.~~

§ 81004.5. Reports and Statements; Amendments.

~~Any report or statement filed pursuant to this title may be amended by the filer at any time. Amending an incorrect or incomplete report or statement may be considered as evidence of good faith.~~

~~§ 86205. (b) A filer may at any time amend a reports filed under this chapter as stated in § 84402.~~

Article 3. Lobbying Prohibitions.

§ 90031. Acts Prohibited. (86205)

~~No lobbyist or Lobbyists and~~ lobbying ~~firm shall; firms are prohibited from:~~

- ~~(a) Do anything~~Taking action with the purpose of placing ~~anyan~~ elected state officer, legislative official, agency official, or state candidate under personal obligation to the lobbyist, the lobbying firm, or the lobbyist's or the firm's employer.
- ~~(b) Deceive~~Deceiving or ~~attempt~~attempting to deceive ~~anyan~~ elected state officer, legislative official, agency official, or state candidate ~~with regard to any on a~~ material fact pertinent to ~~anya~~ pending or proposed legislative or administrative action.
- ~~(c) Cause~~Causing or ~~influence~~influencing the introduction of ~~anya~~ bill or amendment ~~thereto~~ for the purpose of ~~thereafter~~ being employed to secure its passage or defeat.
- ~~(d) Attempt~~Attempting to create a fictitious appearance of public favor or disfavor of ~~any~~ proposed legislative or administrative action or to cause ~~any~~ communication to be sent to ~~anyan~~ elected state officer, legislative official, agency official, or state candidate in the name of ~~anya~~ fictitious person or in the name of ~~anya~~ real person, ~~except with unless~~ the ~~consent of such~~ real person consents.
- ~~(e) Represent~~Representing falsely, either directly or indirectly, that the lobbyist or the lobbying firm can control the official action of ~~anyan~~ elected state officer, legislative official, or agency official.
- ~~(f) Accept~~Accepting or ~~agree~~agreeing to accept ~~any~~ payment in any way contingent ~~upon on~~ the defeat, enactment, or outcome of ~~any~~ proposed legislative or administrative action.

§ § 90032. Restrictions on Gifts from Lobbyists and Lobbying Firms.

(86201-, 86203, 86204)

Gift.

(a) ; Definition. "Gift" as used in this ~~article~~section means a gift made directly or indirectly to ~~any:~~

- (1) an state candidate, elected state officer, or legislative official; ~~;~~ or
- (2) ~~to~~ an agency official of ~~anyan~~ agency required to be listed on the registration statement of the lobbying firm or the lobbyist employer of the lobbyist.

§ 86203. Unlawful Gifts.

~~(b) It shall be unlawful for~~**Gift Limit.** A lobbyist, or lobbying firm, ~~to~~ must not:

- (1) make gifts to one person aggregating more than ~~ten dollars (\$10)~~ in a calendar month, ~~or to;~~

- ~~(3)(2)~~ _____ act as an agent or intermediary in the making of ~~any~~ gift; or
~~(4)(3)~~ _____ to arrange for the making of any gift by ~~any other~~ another person.

§ 86204. Receipt of Unlawful Gift.

- ~~(b)(c)~~ It shall be unlawful for any **Violation by Recipient.** A person must not knowingly ~~to~~ receive ~~any~~ gift ~~which is from a lobbyist or lobbying firm~~ made ~~unlawful by Section 86203~~ in violation of this section.

§ 86206. § 90033. Exemption for Placement Agent Fees. (86206)

Nothing in this article prohibits the payment of fees for contractual services provided to an investment manager by a placement agent, as defined in ~~Section 82047.3~~ § 82060, who is registered with the Securities and Exchange Commission and regulated by the Financial Industry Regulatory Authority, except the prohibition on contingent fees as provided in ~~subdivision § 90031(f) of Section 86205.~~

§ 88000. Chapter 11. Ballot Pamphlet (§ 90100–§ 90109)

§ 90100. Responsibility. (88000)

~~There shall be a state ballot which shall be prepared by~~ The Secretary of State must prepare a state ballot.

§ 88002.5. Summary.

- ~~(a)~~ The ballot pamphlet shall also contain a section, located near the front of the pamphlet, that provides a concise summary of the general meaning and effect of “yes” and “no” votes on each state measure.
~~(b)~~ The summary statements required by this section shall be prepared by the Legislative Analyst. These statements are not intended to provide comprehensive information on each measure. The Legislative Analyst shall be solely responsible for determining the contents of these statements. The statements shall be available for public examination and amendment pursuant to Section 88006.

§ 88003. § 90101. Duties of Legislative Analyst. (88002.5, 88003)

- ~~(a)~~ **Analysis and Description.** The Legislative Analyst ~~shall~~ must prepare an impartial analysis and description of the measure ~~describing. The impartial analysis must meet the measure and including following requirements:~~
- ~~(1)~~ **Fiscal analysis.** The analysis must include a fiscal analysis ~~of the measure~~ showing the amount of any increase or decrease in ~~revenue or cost to~~ state or local government ~~revenues or costs~~. Any estimate of increased ~~cost~~ costs to local governments ~~shall~~ must be set out in boldface print in the ballot pamphlet. ~~The analysis shall be written in~~
 - ~~(2)~~ **Plain language and adequate information.** The Analyst must use clear and concise ~~terms which will easily be understood by the language that the average voter, and shall avoid the use of can easily understand, avoiding~~ technical terms ~~wherever~~ possible. The Analyst must provide the information necessary to enable the average voter to adequately understand the measure. The analysis may contain background information, including the ~~measure's effect of the measure, if adopted, on existing law and the effect of or~~ enacted legislation ~~which will become effective if the measure is adopted, and shall generally set forth in an impartial manner the information which~~

~~the average voter needs to understand the measure adequately. The Legislative Analyst may contract with professional writers, educational specialists or other persons for assistance in writing.~~

(3) **Preparation assistance.** To prepare an analysis that fulfills ~~the~~this section's requirements ~~of this section, including the requirement to use language that the analysis be written so that it will be easily understood by the average voter. The Legislative could easily understand, the~~ Analyst may also:

(A) contract with professional writers, educational specialists, or other persons for assistance; and
(B) request the assistance of any from a state department, agency, or official in preparing his or her analysis. Prior to submission of.

(b) **Review Committee.** Before submitting the analysis to the Secretary of State, ~~the Legislative Analyst shall submit a five-person committee must review the analysis to a committee of five persons appointed by the Legislative analyst for the purpose of reviewing the analysis to and~~ confirm its clarity and easy comprehension to the average voter. ~~The committee shall be drawn~~Analyst must draw from the public at large, ~~and to appoint the five-person committee;~~ one member ~~shall~~must be a specialist in education, one ~~shall~~must be bilingual, and one ~~shall~~must be a professional writer. ~~Members of the committee shall~~Committee members must be reimbursed for reasonable and necessary expenses incurred in performing their duties. Within five days ~~of the submission of after receiving the analysis to, the committee, the committee shall make such recommendations to the Legislative Analyst as it deems appropriate must recommend changes to guarantee that the analysis can be easily understood by the average voter. can easily understand the analysis.~~ The Legislative Analyst ~~shall consider~~may incorporate the committee's recommendations, ~~and as he or she shall incorporate in the analysis those changes recommended by the committee that he or she deems to be appropriate. The Legislative considers appropriate. The~~ Analyst is solely responsible for determining the content of the analysis required by this section. ~~The~~

(c) **Summary Statements.** The Analyst is solely responsible for determining the contents of the following statements:

(1) ~~If a measure's title of the measure which~~ appears on the ballot ~~shall, it must~~ be amended to contain a summary of the ~~Legislative~~ Analyst's estimate of the net state and local government financial impact.

(2) ~~§ 88005.5.~~ The Analyst must prepare the summary statements required by § 90103 (a)(5).

(3) ~~The Analyst's statements are not intended to provide comprehensive information on each measure.~~

§ 90102. Duties of Legislative Counsel. **(88005.5)**

The Legislative Counsel ~~shall~~must prepare and proofread ~~the texts of~~ all measures and the provisions ~~which that~~ are repealed or revised.

§ 88001. § 90103. Contents. **(88001, 88002.5)**

The ballot pamphlet ~~shall contain~~must meet all of the following ~~requirements.~~

(a) **State Measures.** For each state measure, the ballot pamphlet must contain:

- (1) a complete copy of ~~each state~~the measure-;
- (2) a copy of the specific constitutional or statutory provision, if any, that would be repealed or revised by ~~each~~ state measure-;
- (3) a copy of the arguments and rebuttals for and against ~~each state~~the measure-;
- (4) a copy of the measure's analysis; and

- (4)(5) a section near the front of each state the pamphlet that concisely summarizes the general meaning and effect of “yes” and “no” votes on each measure.
- (b) **Easy-to-Understand Design.** The ballot pamphlet must have tables of contents, indexes, art work, graphics, and other materials that the Secretary of State determines will make the ballot pamphlet easier to understand or more useful for the average voter.
- (c) **Option-to-Mail Notice.** A notice, must be conspicuously printed on the ~~cover of the~~ ballot pamphlet, indicating pamphlet’s cover that additional copies a copy of the ballot pamphlet will may be mailed by the county elections official ~~upon~~ request.
- (d) **Elections Code.** The ballot pamphlet must contain the Voter Bill of Rights under Elections Code § 2300, and a written explanation of:
- (1) the judicial retention procedure, as required by Section Elections Code § 9083 of the Elections Code; and
 - (a) The Voter Bill of Rights pursuant to Section 2300 of the Elections Code.
 - (2) the appropriate election procedures for party-nominated, voter-nominated, and nonpartisan offices, as required by Elections Code § 9083.5.
- (d)(e) **U.S. Senate Candidate.** If the ballot contains an election for the office of United States Senator, it must have information on those candidates for. A United States Senator. A senatorial candidate for United States Senator may purchase the space to place a statement in the state ballot pamphlet for a statement that does not exceed 250 words. The statement may must not make any reference refer to any opponent of the candidate’s opponents. A candidate, must submit the statement shall be submitted in accordance with timeframes and procedures set forth by within the Secretary of State State’s timeframe and procedures for the preparation of the state ballot pamphlet.
- (e)(f) **U.S. Supreme Court Justice.** If the ballot contains a question as to on the confirmation or retention of a justice of the Supreme Court, information on justices of the Supreme Court who are subject to confirmation or retention justice, it must have information on that justice.
- (f)(g) **U.S. President and Vice President Candidates.** If the ballot contains an election for the offices of President and Vice President of the United States, the ballot must have a notice that refers referring voters to the Secretary of State’s Internet Web site website for information about those candidates for the offices of President and Vice President of the United States.
- (b) A written explanation of the appropriate election procedures for party nominated, voter nominated, and nonpartisan offices as required by Section 9083.5 of the Elections Code.
- (g)(h) **Contributor Lists.** A written explanation of the top 10 contributor lists required by Section 84223 § 84205, including a description of Internet Web sites websites where those lists are available to the public.

§ 88002.5. Summary.

- (a) The ballot pamphlet shall also contain a section, located near the front of the pamphlet, that provides a concise summary of the general meaning and effect of “yes” and “no” votes on each state measure.
- (b) The summary statements required by this section shall be prepared by the Legislative Analyst. These statements are not intended to provide comprehensive information on each measure. The Legislative Analyst shall be solely responsible for determining the contents of these statements. The statements shall be available for public examination and amendment pursuant to Section 88006.

§ 88002. § 90104. Format. (88002)

The ballot pamphlet shall contain as to For each state measure to be voted upon, on, the ballot pamphlet must contain the following, in the this order set forth in this section:

- (a) ~~Upon First Page. On~~ the top ~~portionpart~~ of the first page and not exceeding one-third of the page ~~shallmust~~ appear:
- (1) the identification of the measure by number and title;
 - (2) the Attorney General's official summary ~~prepared by the Attorney General; and~~
 - (3) the total number of votes cast for and against the measure in both the State Senate and Assembly if the ~~measure was passed by the~~ Legislature passed the measure.
- (b) Analyst's Analysis. Beginning at the top of the right page ~~shall appear~~, the Analyst's analysis ~~prepared by the Legislative Analyst, provided that must appear if~~ the analysis fits on a single page. If ~~it the analysis~~ does not fit on a single page, then ~~the analysis shall~~ it must begin on the lower ~~portionpart~~ of the first left page and ~~shallmust~~ continue on subsequent pages until it is completed.
- (c) Secretary of State's Website. Immediately below the Analyst's analysis ~~prepared by the Legislative Analyst shall appear~~, a printed statement must appear that refers voters to the Secretary of State's Internet Web sitewebsite for:
- (1) a list of committees primarily formed to support or oppose a ballot measure, and
 - (2) information on how to access the ~~committee's~~ committees' top 10 contributors.
- (d) Arguments About Measures. On the page immediately following the last page of the Analyst's analysis, arguments for and against the measure ~~shallmust~~ be placed on the next left and right pages, respectively, ~~following the page on which the analysis of the Legislative Analyst ends.~~
- (3)(1) ~~The~~ rebuttals ~~shallmust~~ be placed immediately below the arguments.
- (4)(2) ~~If no argument against the measure has been was~~ submitted, the argument for the measure ~~shallmust~~ appear on the right page facing the Analyst's analysis.
- (e)(e) The Disclaimer. Each measure's complete text ~~of each measure shallmust~~ appear at the back of the pamphlet. The measure's text ~~of the measure shallmust~~ contain the provisions of the proposed measure and the existing ~~provisions of law repealed that the measure repeals or revised by the measure; revises.~~ The provisions of the proposed measure differing from the existing ~~provisions of~~ law affected ~~shallmust~~ be distinguished in print, ~~so as~~ to facilitate comparison.
- (d)(f) The following Measure's Text. This statement ~~shallmust~~ be printed at the bottom of each page ~~where arguments appear on which an argument appears~~: "Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency."

§ 88004. Manner, Form of Printing § 90105. Order of Measures in Ballot Pamphlet. (88004)
~~Measures shall~~ When possible, measures must be printed in the ballot pamphlet, ~~so far as possible,~~ in the same order, manner, and form ~~in which they are as~~ designated ~~upon on~~ the ballot.

§ 89000. § 90106. Order of Names on Ballot. (89000)
~~Any provision of~~ Despite any law to the contrary ~~notwithstanding~~, the order of candidates' names ~~of candidates on the ballot in every election shallmust~~ be determined without regard to whether the candidate is an incumbent.

§ 88005. § 90107. Printing Specifications.Format of Pamphlet. (88005)
 The ballot pamphlet ~~shallmust~~ be printed ~~according to in~~ the following ~~specificationsformat~~:

- (a) The pages of the pamphlet shall Sizes. Pages should be ~~not smaller than at least~~ 8 x 11 inches in size;
- (b) Font. It ~~shallmust~~ be printed in clear readable type, ~~no less than 10-point or larger~~, except ~~that the for a measure's text of any measure, which~~ may be ~~set forth~~ in 8-point type;

- (c) **Paper.** It ~~shall~~must be printed on a quality and weight of paper ~~which that,~~ in the ~~judgment of the~~ Secretary of State ~~determines~~ best serves ~~the voters;~~
- (d) ~~The pamphlet shall~~Correctness. It must contain a certificate of correctness by the Secretary of State.

§ 88006. § 90108. Public Examination of Pamphlet. **(88006)**

- (a) ~~Not less than~~Public Examination. At least 20 days before ~~he or she the~~ Secretary of State submits the copy for the ballot pamphlet to the State Printer, the Secretary ~~of State shall~~must make the copy available for public examination. ~~Any~~An elector may seek a writ of mandate requiring the copy to be amended or deleted from the ballot pamphlet.
- (b) **Writ of Mandate.** A peremptory writ of mandate ~~shall~~may issue only ~~upon if:~~
 - (1) Clear and convincing ~~proof~~evidence exists that the copy in question is false, misleading, or inconsistent with the requirements of this chapter or the Elections Code; and
 - (2) ~~that~~ Issuance of the writ will not substantially interfere with the ballot pamphlet's printing and distribution ~~of the ballot pamphlet~~ as required by law.
- ~~(b)(c)~~(c) Venue and Parties. Venue for a proceeding under this section ~~shall~~must be exclusively in Sacramento County. The Secretary of State ~~shall~~must be named as the respondent, and the State Printer and the person or official who authored the copy in question ~~shall~~must be named as real parties in interest. If the ~~proceeding is initiated by the~~ Secretary of State initiates the proceeding, the State Printer ~~shall~~must be named as the respondent.

§ 88007. § 90109. Amendment of Chapter by Legislature. **(88007)**

~~Notwithstanding the provisions of Section 81012~~Despite § 81105, the Legislature may amend this chapter without restriction ~~amend this chapter~~ to add candidate or other information to the ballot pamphlet ~~information regarding candidates or any other information.~~

§ 83111 Chapter 12. Administration of the Act (§ 90200–§ 90249)

Article 1. Implementation.

§ 90200. Administration and Implementation of Title. **(83111, 83111.5)**

- (a) The Commission has primary responsibility for ~~the impartial, effective administration and implementation of~~implementing and administering this title impartially and effectively.

§ 83111.5. Actions to Implement Title.

- (b) In implementing the title, the Commission ~~shall~~must take no action ~~to implement this title that would abridge that abridges~~ constitutional guarantees of freedom of speech, ~~that would deny any~~deprives a person of life, liberty, or property without due process of law, or ~~that would deny any~~denies a person ~~the~~ equal protection of the laws.

§ 83123.5. § 90201. Enforcement of San Bernardino County Campaign Ordinance.

Upon **(83123.5, new legislation AB 2558 - 2016)**

- (a) **Primary Responsibility for Ordinance.** On mutual agreement between the Commission and the San Bernardino County's Board of Supervisors ~~of the County of San Bernardino~~, the Commission is ~~authorized to may~~ assume primary responsibility for ~~the impartial, effective administration, implementation, and enforcement of impartially and effectively implementing and administering~~ a local campaign-finance-reform ordinance passed by ~~the~~San Bernardino County's Board of Supervisors in compliance with this title.
- (a)(b) **Enforcement.** As ~~part of the County of San Bernardino~~ this agreement, the Commission is ~~authorized to may~~ be the civil prosecutor responsible for the civil enforcement of that local campaign-finance-reform ordinance ~~in accordance with this title. As the civil prosecutor of the County of San Bernardino's local campaign finance reform ordinance, the Commission may do both of the following and may:~~
- (1) investigate possible violations of ~~the local campaign finance reform that~~ ordinance-; and
 - (2) bring administrative actions ~~in accordance with under~~ this title and the Administrative Procedure Act Chapter 5 (~~commencing beginning~~ with Section Government Code § 11500) ~~of Part 4 of Division 3 of Title 2.~~
- (a) ~~Any local campaign finance reform ordinance of the County of San Bernardino enforced by the Commission pursuant to this section shall comply with this title.~~
- (b)(c) **Consultation Required.** The Board of Supervisors ~~of the County of San Bernardino shall must~~ consult with the Commission ~~prior to before~~ adopting ~~and or~~ amending any ~~local future~~ campaign-finance-reform ordinance ~~that is subsequently to be~~ enforced by the Commission ~~pursuant to under~~ this section.
- (e)(d) **(+) Necessary Agreements.** The Board of Supervisors ~~of the County of San Bernardino and and~~ the Commission may enter into ~~any~~ agreements necessary and appropriate to carry out ~~the provisions of this section, including agreements pertaining to any necessary reimbursement of state costs with county funds for reimbursing the State~~ for costs incurred by the Commission in administering, implementing, or enforcing a local campaign-finance-reform ordinance ~~pursuant to under~~ this section.
- (1) ~~An~~ Unless provided in (2), no agreement ~~entered into pursuant to under~~ this subdivision ~~shall not may~~ contain ~~any form of~~ a cancellation fee, a liquidated-damages provision, or other financial disincentive to ~~the exercise of the right to terminate terminating~~ the agreement ~~pursuant to subdivision under (e), except that).~~
- (+)(2) If the Board of Supervisors terminates this agreement, the Commission may require ~~the Board of Supervisors of the County of San Bernardino it~~ to pay the Commission for services rendered and any other expenditures reasonably made by the Commission in anticipation of services ~~to be rendered pursuant to the agreement in the event that the Board of Supervisors of the County of San Bernardino terminates still to be rendered under~~ the agreement.
- (d) **Agreement Termination.** The Board of Supervisors ~~of the County of San Bernardino or the~~ Commission may, at any time, by ordinance or resolution, terminate ~~any an~~ agreement ~~made pursuant to under~~ this section for the Commission to administer, implement, or enforce a local campaign-finance-reform ordinance or any provision ~~thereof.~~
- (d)(e) If an agreement is entered into pursuant to this section, the Commission shall report to the Legislature regarding the performance of of that agreement on or before January 1, 2017, and shall submit that report in compliance with Section 9795. The Commission shall develop the report in consultation with the County of San Bernardino. The report shall include, but not be limited to, all of the following: ordinance.
- (2) ~~The status of the agreement.~~
 - (3) ~~The estimated annual cost savings, if any, for the County of San Bernardino.~~
 - (4) ~~A summary of relevant annual performance metrics, including measures of utilization, enforcement, and customer satisfaction.~~

- ~~(5) Any public comments submitted to the Commission or the County of San Bernardino relative to the operation of the agreement.~~
- ~~(6) Any legislative recommendations.~~
- ~~(e) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.~~

§ 83123.6- § 90202. Enforcement of City of Stockton Campaign Ordinance. (83123.6)

- ~~(a) Upon~~**Primary Responsibility for Ordinance.** ~~On~~ mutual agreement between the Commission and the ~~Stockton~~ City Council ~~of the City of Stockton~~, the Commission ~~is authorized to may~~ assume primary responsibility for ~~the impartial, effective administration, implementation, impartially and enforcement of effectively implementing, administering, and enforcing~~ a local campaign-finance-reform ordinance passed by the City Council.
- ~~(a)(b)~~**Enforcement.** ~~As part of the City of Stockton, this agreement,~~ the Commission ~~is authorized to may~~ be the civil prosecutor responsible for the civil enforcement of that local campaign-finance-reform ordinance ~~under and in accordance compliance~~ with this title. ~~As the civil prosecutor of the City of Stockton's local campaign finance reform ordinance~~**In this capacity,** the Commission may ~~do both of the following:~~
 - ~~(1) investigate possible violations of the local campaign-finance-reform ordinance-;~~ **and**
 - ~~(2) bring administrative actions in accordance with under~~ this title and ~~Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 the Administrative Procedure Act, beginning with § 11340.~~
- ~~(a) Any local campaign finance reform ordinance of the City of Stockton enforced by the Commission pursuant to this section shall comply with this title.~~
- ~~(b)(c)~~ ~~The City Council of the City of Stockton shall~~**Consultation Required.** ~~The City Council must~~ consult with the Commission before adopting ~~and/or~~ amending ~~any a~~ local campaign-finance-reform ordinance that is ~~subsequently to be~~ enforced by the Commission ~~pursuant to under~~ this section.
- ~~(e)(d) (+)~~**Necessary Agreements.** ~~The City Council of the City of Stockton and the Commission may~~ enter into ~~any~~ agreements necessary and appropriate to carry out ~~the provisions of~~ this section, including agreements ~~pertaining to any necessary reimbursement of to reimburse~~ state costs ~~with city funds for costs~~ incurred by the Commission in administering, implementing, or enforcing a local campaign-finance-reform ordinance ~~pursuant to under~~ this section.
 - ~~(1) An~~**Unless provided in (2), no** agreement ~~entered into pursuant to under~~ this subdivision ~~shall not may~~ contain ~~any form of~~ a cancellation fee, ~~a liquidated damages provision,~~ or other financial disincentive to ~~the exercise of the right to terminate terminating~~ the agreement ~~pursuant to subdivision under (e), except that).~~
 - ~~(+)(2)~~ **If the City Council terminates this agreement,** the Commission may require the City Council ~~of the City of Stockton~~ to pay ~~the Commission~~ for services rendered and ~~any~~ other expenditures reasonably made by the Commission in anticipation of services to be rendered ~~pursuant to the agreement if the City Council of the City of Stockton terminates under~~ the agreement.
- ~~(d)(e)~~**Agreement Termination.** ~~The City Council of the City of Stockton or the Commission may, at any time, by ordinance or resolution, terminate any an agreement made pursuant to under~~ this section for the Commission to administer, implement, or enforce a local campaign-finance-reform ordinance or any provision ~~thereof of that ordinance.~~
- ~~(d) If an agreement is entered into pursuant to this section, the Commission shall report to the Legislature regarding the performance of that agreement on or before January 1, 2019, and shall submit that report in compliance with Section 9795. The Commission shall develop the report in consultation with the City Council of the City of Stockton. The report shall include, but not be limited to, all of the following:~~

(f) **The Required Report.** Consulting with the City Council, the Commission must submit a report complying with § 9795 to the Legislature on or before January 1, 2019 on the performance of any agreement entered into under this section. The report must include:

- (1) ~~the agreement's status of the agreement;~~
- (2) the estimated annual cost savings, if any, for ~~the City of Stockton;~~
- (3) a summary of relevant annual performance ~~metrics~~, including measures of ~~utilization~~ use, enforcement, and customer satisfaction;
- (4) public comments submitted to the Commission or to the City of Stockton ~~relative to on~~ the ~~agreement's operation of the agreement;~~ and
- (5) legislative recommendations.

(e)(g) **Repeal.** This section ~~shall remain in effect only until will be repealed on~~ January 1, 2020, ~~and as of that date is repealed,~~ unless a later ~~enacted statute, that is enacted before January 1, 2020, deletes or extends that date~~ its application.

§ 83100. Article 2. Fair Political Practices Commission.

§ 90203. Establishment; Membership; Appointments. (83100, 83101, 83102)

~~There is hereby established~~ This section establishes in state government the Fair Political Practices Commission.

- (a) **Membership.** The Commission ~~shall will~~ have five members, including the ~~chairman~~ chair. No more than three members of the Commission ~~shall may~~ be members of the same political party.

§ 83101. Appointment by Governor's Appointees. The Governor.

- (b) ~~The chairman will appoint the chair~~ and one additional member of the Commission ~~shall be appointed by the Governor.~~ The Governor's appointees ~~shall not cannot~~ be members of the same political party.

(c) § 83102. Appointment by Other Appointees. The Attorney General, the Secretary of State, and the Controller will each appoint one member of the Commission.

- (a) ~~If the Attorney General, the Secretary of State, and the Controller shall each appoint one member of the Commission.~~

- (1) ~~If the Attorney General, the Secretary of State,~~ and the Controller are all members of the same political party, the chairman of the state central committee of any other political party with ~~a registration of~~ more than five hundred thousand registered voters may submit to the Controller a list of ~~not less than at least~~ five ~~persons~~ people who are qualified and willing to be members of the Commission. ~~The list shall be submitted not less than ten days after the effective date of this chapter for the Controller's initial appointment, and not later than January 2 immediately prior to any subsequent appointment by the Controller. If the Controller receives one or more lists pursuant to this section, his appointment shall be made from one of such lists.~~

§ 82001. Adjusting an Amount for Cost of Living Changes.

~~"Adjusting an amount for cost of living changes" means adjusting the amount received the previous year by an amount determined at the beginning of each fiscal year by the Director of Finance corresponding to amounts authorized from the salary and price increase items as set forth in the Budget Act and other cost of living adjustments on the same basis as those applied routinely to other state agencies.~~

- (2) ~~§ 83122.~~ The list must be submitted no later than the January 2 preceding the effective date of the Controller's appointment under this chapter.
- (3) If the Controller receives one or more lists under this section, the Controller's appointment must be made from one of these lists.

§ 90204. Fair Political Practices Commission; Appropriation. (82001; 83122)

- (a) There is hereby ~~Appropriations for Commission.~~ The sum of \$500,000 is appropriated from the ~~General Fund of the state~~ state's general fund to the Fair Political Practices Commission ~~the sum of five hundred thousand dollars (\$500,000)~~ during the fiscal year ~~of 1974–1975, and.~~ The sum of ~~one million dollars (\$1,000,000),~~ adjusted for cost-of-living changes, must be appropriated during each subsequent fiscal year ~~thereafter.~~ These funds are for ~~expenditure~~ expenses to support the Commission operations ~~of the Commission pursuant to~~ under this title. ~~The expenditure of funds under this appropriation shall be,~~ subject to the normal administrative review given to other state appropriations. The Legislature shall may appropriate ~~such~~ additional amounts to the Commission and other agencies as ~~may be necessary to~~ carry out the provisions of implement this title.
- (b) Budget for Political Reform Act of 1974. The Department of Finance, in preparing the state budget and the Budget Bill submitted to the Legislature, shall must include an item for ~~the~~ support of the Political Reform Act of 1974, which item shall must indicate ~~all of the following: (1):~~
- (1) the amounts to be appropriated to other agencies to carry out their duties under this title, and which amounts ~~shall be in augmentation of~~ will augment the support items of ~~such~~ these agencies;
- (2) ~~(2)~~ the additional amounts required to be appropriated by the Legislature to the Commission to carry out ~~the purposes of this title, as provided for in this section; and (3) in parentheses, for informational purposes, the continuing appropriation during each fiscal year of one million dollars (\$1,000,000) adjusted for cost of living changes made to the Commission by this section.~~ this title's purposes, as stated in this section; and
- (3) in parentheses, for informational purposes, the continuing appropriation during each fiscal year of \$1,000,000, adjusted for cost-of-living changes, made to the Commission by this section.
- (c) Adjusted for Cost-of-Living Changes; Definition. Under this article, "adjusted for cost-of-living changes" means adjusting the amount received the previous year by an amount determined at the beginning of each fiscal year by the Director of Finance on the same basis as applied routinely to other state agencies. This amount corresponds to amounts authorized from the salary and price increase items under the Budget Act and other cost-of-living adjustments.
- (b)(d) Excluded Definition. The definition of "expenditure" in ~~Section 82025 is~~ § 82026 does not apply to this section.

§ 85802. § 90205. Additional Appropriation to the Fair Political Practices Commission. (85802)

- (a) There is hereby appropriated from the ~~General Fund of the state~~ state's general fund to the Fair Political Practices Commission the sum of ~~five hundred thousand dollars (\$500,000)~~ annually above and beyond the appropriations established for the Commission in the fiscal year immediately prior to the effective date of this act, adjusted for cost-of-living changes, for expenditures to support the operations of the Commission pursuant to this Act. ~~If any provision of this act is successfully challenged, any attorney's fees and costs shall be paid from the General Fund and the Commission's budget shall not be reduced accordingly.~~
- (b) § 83103. If any provision of this act is successfully challenged, any attorney's fees and costs must be paid from the General Fund and the Commission's budget will not be reduced accordingly.

§ 90206. Terms of Office. **(83103)**

Members and the ~~chairman~~chair of the Commission ~~shall~~will serve four-year terms, beginning on February 1 and ending on January 31 or as soon ~~thereafter~~after that date as ~~their successors are a~~successor has qualified, ~~except that the initial appointees under Section 83102 shall serve six-year terms.~~ No member or ~~chairman~~chair who has been appointed at the beginning of a term is eligible for reappointment.

§ 83105. § 90207. Qualifications; Removal. **(83105)**

(a) **Qualifications.** Each ~~member of the~~ Commission ~~shall~~member must be an elector. ~~No A~~commission member ~~of the Commission~~, during his or her tenure, ~~shall not~~must not hold, ~~any other~~another public office, serve as an officer of ~~any~~any political party or partisan organization, participate in or contribute to an election campaign, ~~or~~employ or be employed as a lobbyist ~~nor, during his or her term of appointment, or~~seek election to ~~any other~~another public office. ~~Members of the Commission~~

(a)(b) **Removal.** A ~~commission member~~ may be removed by the Governor, with concurrence of the Senate, for substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office, or violation of this section, after written notice and the opportunity for a reply.

§ 83104. § 90208. Vacancies; Quorum. **(83104)**

(a) **Vacancies.** Vacancies on the Commission ~~shall~~must be filled, within thirty days, by appointment ~~off from~~ the same official who appointed the ~~prior holder of the position.~~ ~~The provisions of previous officeholder.~~ Section ~~83102 (b) are~~ 90203(c)(1)–(3), ~~does~~do not ~~applicable~~apply to the filling of vacancies. Appointments to fill vacancies ~~shall~~will be for the unexpired term of the member or ~~chairman~~whom~~chair~~ the appointee succeeds. A vacancy (or vacancies ~~shall~~) ~~does~~do not impair the ~~right of the~~ remaining ~~members~~members' right to exercise all of the board's powers ~~of the board.~~

(a)(b) **Quorum.** Three members ~~shall~~ constitute a quorum.

§ 83106. § 90209. Compensation; Expenses. **(83106)**

~~The chairman of the Commission shall~~The Commission's chair will be compensated at the same rate as the ~~president of the~~ Public Utilities Commission. ~~Each remaining member shall~~Commission's president. ~~Other members will~~ be compensated at the rate of one hundred dollars (\$100) for each day ~~on which he engages~~engaged in official duties. ~~The members and chairman of the Commission shall be~~ reimbursed for expenses incurred ~~in performance of their performing~~ official duties.

§ 83107. § 90210. Executive Officer; Staff; Staff Compensation. **(83107)**

The Commission ~~shall~~will appoint an executive director, who ~~shall~~must act in accordance with Commission policies and regulations and ~~with~~ applicable law. The Commission ~~shall~~will appoint and discharge officers, counsel, and employees, consistent with applicable civil-service laws, and ~~shall fix the compensation of employees and~~ prescribe the employees' duties and compensation.

§ 83108. § 90211. Delegation of Authority. **(83108)**

The Commission may delegate authority to the ~~chairman~~chair or ~~the~~ executive director to act in the Commission's name ~~of the Commission~~ between Commission meetings ~~of the Commission~~.

§ 83109. Civil Service Classification.

For purposes of Section 19818.6, a nonclerical position under the Commission shall not be included in the same class in the civil service classification plan with any position of any other department or agency.

§ 83110. § 90212. Offices; Public Meetings. **(83110)**

The Commission's principal office ~~of the Commission shall will~~ be in Sacramento, but it may establish offices, meet, and exercise its powers ~~at any other place~~anywhere in the state. ~~Meetings of the Commission shall~~meetings must be public ~~except that, but~~ the Commission may provide otherwise for discussions of personnel and litigation.

§ 83112. § 90213. Rules and Regulations. **(83112, 81014)**

- (a) The Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of this title; and to govern Commission procedures ~~of the Commission~~. These rules and regulations ~~shall~~must be adopted ~~in accordance with~~under the Administrative Procedure Act ~~(, beginning at Government Code, Title 2, Division 3, Part 1, Chapter 4.5, Sections § 11371 et seq.)~~, and ~~shall~~ be consistent with this title and other applicable law.

§ 81014. Regulations.

- (b) ~~Whenever any reference is made in~~When this title refers to a repealed or amended federal or state statute ~~and that statute has been or is subsequently repealed or amended~~, the Commission may promulgate regulations to carry out the intent of this title as nearly as possible.

§ 83113. § 90214. Additional Duties. **(83113)**

The Commission ~~shall~~, in addition to its other duties, ~~do all of the following~~must:

- (a) prescribe forms for reports, statements, notices, and other documents required by this title;
- (b) prepare and publish, on its website, manuals and instructions ~~setting forth methods of for~~ bookkeeping methods and preservation of records to facilitate compliance with and enforcement of this title, and for explaining the duties of persons and committees under this title;
- (c) provide ~~assistance~~help to agencies and public officials in administering ~~the provisions of~~ this title;
- (d) maintain a central file of local campaign ~~contribution and~~ expenditure ordinances forwarded to it by local government agencies; and
- (e) ~~Annually~~ publish ~~a booklet not annually on its website no~~ later than March 1 a booklet that sets forth ~~the provisions of this title~~ title's provisions and includes other information the Commission ~~deems~~considers pertinent to ~~the interpretation~~interpreting and ~~enforcement of~~enforcing this title. The Commission shall provide a reasonable number of copies of the booklet at no charge for the use of governmental agencies and subdivisions thereof that request copies of the booklet.

The Commission may charge a fee, not to exceed the prorated cost of producing the booklet, for providing copies of the booklet to other persons and organizations.

§ 83114. § 90215. Requests for and Issuances of Opinions; Advice. **(83114)**

- (a) ~~Any~~**Opinion.** A person may ~~request~~**task** the Commission to issue an opinion ~~with respect to his~~**on** ~~that person's~~ duties under this title. ~~The Commission shall.~~ Within 14 days, ~~the Commission will~~ either issue the opinion or ~~advise~~**tell** the ~~person who made the request~~**requestor** whether ~~it will issue~~ an opinion ~~will be issued.~~ No person who acts in good faith on an opinion issued to ~~him~~**that person** by the Commission ~~shall~~**may** be subject to criminal or civil penalties for ~~so acting, provided that~~ **action as long as** the material facts are as stated in the opinion request. The Commission's opinions ~~shall be~~**are** public records and ~~may from time to time~~**will** be published ~~on its website and through~~ **legal-research services.**
- (b) ~~Any~~**Written Advice.** A person may ~~request~~**task** the Commission to provide written advice ~~with~~ **respect to the**~~on that~~ person's duties under this title. ~~Such~~**This** advice ~~shall~~**will** be provided within 21 working days of the request, ~~provided that the but~~ time may be extended for good cause. ~~It shall~~**The advice request will** be a complete defense in ~~any~~**an** enforcement proceeding initiated by the Commission, and ~~it will be~~ evidence of good-faith conduct in any other civil or criminal proceeding; if the requester, at least 21 working days ~~prior to~~**before** the alleged violation, requested written advice from the Commission in good faith, disclosed truthfully all the material facts, and committed the acts complained of either in reliance on the advice or because of the ~~Commission's failure of the~~ **Commission** to provide advice within 21 days of the request or ~~such a~~ later ~~extended~~ time.

§ 83117. § 90216. Authority of Commission. **(83117)**

The Commission may:

- (a) accept grants, contributions, and appropriations;
- (b) contract for ~~any~~ services ~~which that~~ cannot ~~be~~ satisfactorily ~~be~~ performed by its employees; ~~and~~
- (c) employ legal counsel. ~~Upon~~**On** request of the Commission, the Attorney General ~~shall~~**will** provide legal advice and representation without charge to the Commission.

§ 83117.5. § 90217. Restriction on Receipt of a Gift. **(83117.5)**

- (a) ~~It shall be unlawful for a member of the~~ **Prohibition.** Commission ~~to receive~~**members are prohibited** ~~from receiving~~ a gift of ~~ten dollars (\$10)~~ or more per month.
- (b) ~~"Gift";~~ **Definition.** "Gift," as used in this section, means a gift made directly or indirectly by a state candidate, an elected state officer, a legislative official, an agency official, ~~or a lobbyist,~~ or ~~by any~~ **person** ~~anyone~~ listed in ~~Section 87200~~**§ 89200.**

§ 81010. Duties of the **Article 3. General Filing and Records Requirement; Filing Officer** **Duties.**

With respect to § 90230. Duties of the Filing Officer. **(81010)**

Managing Filings. For reports and statements filed with ~~him pursuant to a~~ **filing officer under** this title, the ~~filing officer~~ **shall**~~must~~:

- (a) supply the necessary forms and manuals prescribed by the Commission;
- (b) determine whether required documents have been filed and, if so, whether they ~~facially~~ conform ~~on~~ **their face** with the requirements of this title;

- (c) notify promptly all persons and known committees who have failed to file a report or statement in the form and ~~at by~~ the ~~time deadline~~ required by this title;
- (d) report apparent violations of this title to the appropriate agencies; and
- (e) compile and maintain a current list of all reports and statements filed with this office.

§ 81007. § 90231. Filing Officers' and Filing Officials' Duties—Effect of Noncompliance on Filing and Disclosure Obligations. (18117)

A filing officer or filing official's failure to comply with a duty or to provide notice of a filing or disclosure obligation will not affect a person's duty to file statements and reports disclosing information as required by this title or any enforceable conflict-of-interest code.

§ 90232. Mailing of Report or Statement. (81007)

- (a) ~~When a report or statement or~~ **Date of Receipt.** ~~Reports, statements, and copies thereof required to that must~~ be filed with ~~anyan~~ officer under this title ~~and that~~ have been ~~addressed to the officer and~~ sent by first-class mail or ~~by any other~~ guaranteed-overnight-delivery service ~~addressed to the officer, it shall for purposes of any deadline will~~ be ~~deemed considered~~ to have been received by ~~him or her~~ the officer on the date of the deposit in the mail or ~~of receipt by that delivery service. It shall be presumed until the contrary is established that any the~~ date received by the delivery service.
- (b) **Presumptive Date of Deposit.** The date stamped by the post office on the envelope or ~~contained indicated~~ on the delivery-service receipt ~~containing the report or statement is~~ presumed to be the date ~~it that the package~~ was deposited in the mail or received by the delivery service. That presumption may be refuted.
- ~~(a)(c)~~ **Proof of Sending.** Mail ~~which is~~ not received by the filing officer ~~shall will~~ be presumed not to have been sent unless the filer possesses a post-office or delivery-service receipt establishing the date of deposit and the name and address of the addressee officer.

§ 81007.5. § 90233. E-mailing or Faxing of Report or Statement. (81007.5)

- (a) **Any Requirements for Transmission.** A report ~~or~~ statement, or ~~copies thereof~~ copy required to be filed with ~~anyan~~ official under Chapter ~~3-4~~ (~~commencing beginning~~ with Section 84100 § 83100) or Chapter ~~7~~ (~~commencing~~ 10 (~~beginning~~ with Section 87100 § 90000)) may be e-mailed or faxed by the applicable deadline, ~~provided that if~~ the required originals or paper copies are sent by first-class mail ~~or by any other personal delivery,~~ or guaranteed-overnight-delivery service or a personal delivery, within 24 hours of the ~~applicable~~ deadline and ~~provided that~~ the total number of pages of each faxed report or statement ~~faxed~~ is no more than 30 pages.
- (b) **A True and Correct Copy.** An e-mailed or faxed report or statement ~~shall will~~ not be ~~deemed considered~~ filed if ~~the faxed report or statement it~~ is not a true and correct copy of the original ~~or copy of the report or statement personally delivered or sent by first-class mail or guaranteed overnight delivery service pursuant to subdivision (a).~~
- (c) **Public Access to Statements.** A filing officer who receives ~~a an~~ e-mailed or faxed report or statement ~~shall will~~ make the report or statement available to the public ~~in the same manner as provided in Section 81008, as specified in § 90235.~~ If the e-mailed or faxed report or statement is requested ~~prior to the before~~ receipt of the original or copy of the report or statement by the filing officer, the filing officer ~~shall inform will~~ notify the requester that the e-mailed or faxed report or statement will not be considered a filed report or statement if the requirements of ~~subdivision (b)~~ have not been met ~~by the filer.~~

§ 81006-§ 90234. Filing Fees Prohibition. **(81006)**

~~Except as provided in this title,~~ No fee or charge ~~shall~~may be collected by ~~any~~an officer for the filing of ~~any~~a report or statement or for the forms ~~upon which~~used to prepare reports or statements ~~are to be prepared, unless provided in this title.~~

§ 81008-§ 90235. Public Records; Inspection; Reproduction; Time; Charges. **(81008)**

- (a) ~~Every~~Availability to Public. A report and statement filed ~~pursuant to~~under this title is a public record ~~open and will be made available~~ for public inspection and reproduction during regular business hours, ~~commencing~~as soon as practicable, ~~but in any event not~~and no later than the second business day ~~following~~after the day ~~on which~~ it was received.
- (b) Unconditional Access. No conditions ~~whatsoever shall~~may be imposed ~~upon persons desiring~~on anyone asking to inspect or reproduce reports and statements filed under this title, nor ~~shall~~will any information or identification be required ~~from these persons.~~
- ~~(a)~~(c) Changes and Number of Requests. Copies ~~shall~~will be provided at a charge not to exceed ten cents ~~(\$0.10)~~ per page. ~~In addition,~~ The filing officer may charge a retrieval fee not ~~to exceed~~over five dollars ~~(\$5)~~ per request for copies of reports and statements ~~which~~that are five or more years old. A request for more than one report or statement or report and statement at the same time ~~shall~~will be considered a single request.

§ 90236. Record Retention. **(81009. Preservation of Reports and)**
Original Statements.

- (a) of Elective State Offices. Statements of organization, registration statements, and original campaign statements of persons holding elective state office, candidates for any such office, committees supporting any such officeholder or candidate, and committees supporting or opposing statewide measures, ~~shall~~must be retained by filing officers indefinitely. Original statements of economic interests of persons holding statewide elective office must be retained by filing officers indefinitely.
- (b) Original Statements of Mayors, City-Council Members, County Supervisors. Original campaign statements of mayors, city-council members, county supervisors, candidates for any of these offices, and committees supporting any officeholder or candidate ~~shall~~must be retained indefinitely, ~~except that.~~ But original campaign statements of candidates not elected to these offices and of committees supporting candidates not elected to these offices ~~shall~~must be retained by filing officers for ~~a period of not less than~~at least five years.
- ~~(a)~~ Original Statements for All Other Offices and Positions. Original campaign statements of all other persons ~~shall~~must be retained by filing officers for ~~a period of not less than~~at least seven years.
- ~~(b)~~ Original statements of economic interests of persons holding statewide elective office shall be retained by filing officers indefinitely.
- (c) Original reports and statements not specified above in this section ~~shall~~must be retained by filing officers for ~~a period of not less than~~at least seven years.
- (d) How Long to Keep Copies. Copies of reports or statements ~~shall~~must be retained by the officer with whom they are filed for ~~a period of not less than~~at least four years, ~~provided, however, that.~~ But a filing officer ~~is~~need not ~~required to~~ retain more than one copy of a report or statement.
- (e) Copies on File More Than Two Years. After an original report or statement or a copy has been on file for at least two years, the officer with whom it is filed may comply with this section by retaining

a copy on ~~microfilm~~ digital media or other space-saving materials available for public inspection ~~instead of the original report or statement or copy.~~ Upon On request, the officer ~~shall~~ must provide copies of ~~such~~ these statements ~~pursuant to Section 81008~~ under § 90235.

§ 81011.5. § 90237. Information on Statewide Petitions. **(81011.5)**

~~Any provision of~~ Despite any law to the contrary ~~notwithstanding~~, the election precinct of a person signing a statewide petition ~~shall~~ is not ~~be~~ required to appear on the petition when it is filed with the county clerk, nor is any additional information regarding a signer other than the information required to be written by the signer.

§ 84600. Article 4. Administration of Online Filing.

§ 90240. Online Disclosure. **(84600)**

This ~~chapter~~ article may be known and may be cited as the Online Disclosure Act.

§ 84601. § 90241. Public Access. **(84601)**

The Legislature finds and declares ~~as follows~~ that:

- (a) The people of California enacted one of the nation's most comprehensive campaign and lobbying financial-disclosure laws when they voted for Proposition 9, the Political Reform Act of 1974, an initiative statute.
- (b) Public access to campaign and lobbying disclosure information is a vital and integral component of a fully informed electorate.
- (c) Advances in technology have made it ~~viable~~ possible for disclosure statements and reports required by the Political Reform Act to be filed online and placed on the Internet, ~~thereby~~ maximizing availability to the public.

§ 84602. § 90242. Secretary of State's Duties. **(84602, new legislation SB 1349 - 2016)**

- (a) To implement the Legislature's intent, the Secretary of State, in consultation with the Commission, ~~notwithstanding and despite~~ any other provision of this ~~code~~, ~~shall do all of the following~~ title, will:
 - (1) develop online and electronic filing ~~processes~~ systems for ~~use by persons~~ people and entities specified in ~~Section 84605~~ § 84305 that are required to file statements and reports with the Secretary of State's office ~~pursuant to Chapter under Chapters 3–4 (commencing~~ beginning with ~~Section 84100~~ § 83100) and Chapter ~~6 (commencing~~ 10 (beginning with ~~Section 86100)~~ § 90000). Those ~~processes shall each enable~~ systems will let a user ~~to~~ comply with all the disclosure requirements of this title and ~~shall~~ will include, at a minimum, ~~both of~~ the following:
 - (A) ~~A means or method whereby a way for~~ filers subject to this chapter ~~may~~ to submit required filings free of charge. ~~(any means or method developed pursuant to~~ under this ~~provision shall~~ subparagraph will not provide ~~any~~ additional or enhanced functions or services that exceed the minimum requirements necessary to fulfill ~~the~~ this title's disclosure provisions ~~of this title. At least one means or method shall be made available no later than December 31, 2002.); and~~
 - (B) the definition of a nonproprietary standardized record format or formats using industry standards for the transmission of the data that is required of those persons and entities

specified in ~~Section 84605~~ § 84305 and that conforms with ~~the~~ this title's disclosure requirements of this title. ~~The Secretary of State shall hold public hearings prior to development of the record format or formats as a means to ensure that affected entities have an opportunity to provide input into the development process. The format or formats shall be made public no later than July 1, 1999, to ensure sufficient time to comply with this chapter requirement;~~

- (2) accept test files from software vendors and others ~~wishing~~ wanting to file reports electronically; ~~for the purpose of determining to determine~~ whether the file format ~~is in compliance~~ complies with the standardized record format developed ~~pursuant to subdivision (a) under (1)~~ and is compatible with the Secretary of State's system for receiving the data. A list of the software and service providers who have submitted acceptable test files ~~shall will~~ be published by the Secretary of State and made available to the public. Acceptably formatted files ~~shall must~~ be submitted by a filer ~~in order to~~ meet the requirements of this chapter;
- (3) develop a system that provides ~~for~~ the online or electronic transfer of the data specified in this section ~~utilizing telecommunications~~ using technology that ~~assures~~ ensures the integrity of the data ~~transmitted sent~~ and that creates safeguards against efforts to tamper with or subvert the data;
- (4) make all the data filed available on the Internet in an easily understood format that provides the greatest public access. The data shall will be made available free of charge and will be updated as soon as possible after receipt. All late-contribution and late-independent-expenditure reports, as defined by Sections 84203 §§ 84200 and 84204 84202, respectively, shall will be made available on the Internet within 24 hours of receipt. The That data made available on the Internet shall will not contain the street name and building number of the people or entity representatives listed on the electronically filed forms or any bank-account number that this title requires to be disclosed;
- (5) develop a procedure for filers to comply with the requirement that they sign under penalty of perjury under § 84400;
- (6) maintain all filed data online for ten years after the date filed, and then archive the information in a secure format;
- (7) provide help to those seeking public access to the information;
- (8) provide appropriate technology to detect and prevent unauthorized alteration or manipulation of the data; and
- (9) provide the Commission with necessary information to enable it to assist agencies, public officials, and others comply with and administer this title.
- (b) (1) To implement the Legislature's intent, as described in § 90241, the Secretary of State, in consultation with the Commission, shall develop an online filing and disclosure system for use by persons and entities specified in § 84305 that are required to file statements and reports with the Secretary of State's office pursuant to Chapters 3-4 and Chapter 10. The system shall enable a user to comply with all of the disclosure requirements of this title and shall include, at minimum, all of the following:
 - (A) A data-driven means or method that allows filers subject to this chapter to submit required filings free of charge in a manner that facilitates public searches of the data and does all of the following:
 - (i) Enables a filer to comply with all of the disclosure requirements of this title, including by entering or uploading requisite data or by indicating that the filer had no reportable activity during a particular reporting period.
 - (ii) Retains previously submitted data so that a filer can access that data to amend disclosures or prepare future disclosures.
 - (iii) Ensures the security of data entered and stored in the system.
 - (iv) To the extent feasible, is compatible with potential future capability to accept statements from filers specified in subdivisions(a)(2)-(5), of § 84304.

- (B) The definition of a nonproprietary standardized record format or formats using industry standards for the transmission of the data that is required of those persons and entities specified in § 84605 and that conforms with the disclosure requirements of this title.
- (2) The Secretary of State shall do all of the following with respect to the online filing and disclosure system developed pursuant to this subdivision:
- (A) Accept test files from software vendors and others wishing to file reports electronically for the purpose of determining whether the file format is in compliance with the standardized record format developed pursuant to this subdivision and is compatible with the Secretary of State's system for receiving the data. The Secretary of State shall publish and make available to the public a list of the software and service providers who have submitted acceptable test files. A filer shall submit acceptably formatted files in order to meet the requirements of this chapter.
- (B) Make the data filed available on the Internet as follows:
- (i) In a user-friendly, easily understandable format that provides the greatest public access, including online searches and machine-readable downloads of all data contained in the system, except as specified in clause (iii).
- (ii) Free of charge and as soon as possible after receipt, or, in the case of late contribution, late in-kind contribution, and late independent expenditure reports, as defined by §§ 84200, 84201, and 84202, respectively, within 24 hours of receipt.
- ~~(i)(iii)~~ Not containing the street name or building number of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed pursuant to this title.
- (iv) In a manner that allows the public to track and aggregate contributions from the same contributor across filers using a permanent unique identifier assigned by the Secretary of State for this purpose. The Secretary of State shall assign this identifier to, at minimum, each contributor who makes contributions totaling ten thousand dollars (\$10,000) or more in a calendar year to, or at the behest of, candidates or committees that file electronically with the Secretary of State pursuant to subdivision (a)(1) of § 84304 or who files with the Secretary of State as a major donor committee under subdivision (c) of § 82012.
- ~~(B)(C)~~ Develop a procedure for filers to comply electronically with the requirement ~~that they to~~ sign under penalty of perjury pursuant to ~~Section 81004~~ § 84400. The electronic signature procedure shall allow the filer to file with the Secretary of State and shall not require an original signature to be filed.
- ~~(C)(D)~~ Maintain all filed data online for ~~40~~ at least 20 years after the date it is filed, and then archive the information in a secure format.
- ~~(D)(E)~~ Provide assistance to those seeking public access to the information.
- ~~(E)(F)~~ Implement sufficient technology to seek to prevent unauthorized alteration or manipulation of the data.
- ~~(F)(G)~~ Provide the Commission with necessary information to enable it to assist agencies, public officials, and others ~~with the compliance in complying~~ with and ~~administration~~ ~~of administering~~ this title.
- ~~(a) Report to the Legislature on the implementation and development of the online and electronic filing and disclosure requirements of this chapter. The report shall include an examination of system security, private security issues, software availability, compliance costs to filers, use of the filing system and software provided by the Secretary of State, and other issues relating to this chapter, and shall recommend appropriate changes if necessary. In preparing the report, the Commission may present to the Secretary of State and the Legislature its comments regarding this chapter as it relates to the duties of the Commission and suggest appropriate changes if necessary. There shall be one report due before the system is operational as set forth in Section 84603, one report due no later than June 1, 2002, and one report due no later than January 31, 2003.~~

- ~~(3) Review the current~~ The Secretary of State shall do all of the following with respect to developing the online filing and disclosure system and record format pursuant to this subdivision:
- (A) Consult with the Assembly Committee on Elections and Redistricting, the Senate Committee on Elections and Constitutional Amendments, the Commission, users, filers, and other stakeholders, as appropriate, about functions of the online filing and disclosure system.
- (B) In consultation with the Commission, and no later than July 31, 2017, hold at least one public hearing to receive input about developing the online filing and disclosure requirements of this chapter system and record format.
- (C) No later than December 31, 2017, submit a report to the Assembly Committee on Elections and Redistricting and report to the Senate Committee on Elections and Constitutional Amendments that includes a plan for the online filing and disclosure system, describes how members of the public will be able to query and retrieve data from the system, and includes a plan for integrating statements as specified in clause (iv) of subparagraph (A) of paragraph (1).
- (4) The Secretary of State shall make the Legislature online filing and disclosure system developed pursuant to this subdivision available for use no later than February 1, 2019. The Secretary of State may extend this date to a date no later than June 1, 2005, recommendations on revising these requirements so December 31, 2019, after consulting with the Assembly Committee on Elections and Redistricting and the Senate Committee on Elections and Constitutional Amendments and providing to those committees a report that explains the need for the extension and includes a plan for completion.
- (5) The Secretary of State may accept any funds, services, equipment, or grants to further this subdivision, provided that the Secretary of State shall notify the Assembly Committee on Elections and Redistricting and the Senate Committee on Elections and Constitutional Amendments upon accepting any amount valued at one hundred thousand dollars (\$100,000) or more.
- ~~(4)(6)~~ Because the provisions of this chapter need to be implemented as to promote greater reliance on electronic and online submissions expeditiously as possible, the information technology procurement requirements described in Chapter 5.6 (commencing with Section 11545) of Part 1 of Division 3 of Title 2 of this code, and in Section 12100 of the Public Contract Code, do not apply to development of the online filing and disclosure system pursuant to this subdivision. The Secretary of State shall consult with the Department of Technology, as appropriate, in developing the online filing and disclosure system, in order to maximize project success, minimize lifecycle costs, and ensure the security of the system and its data.
- (7) § 84612.-(A) Before making the system developed pursuant to this subdivision available for public use, the Secretary of State, in consultation with the Commission, shall test the system to ensure its functionality and then certify that the system meets all the requirements of this subdivision. The Secretary of State may consult with the Department of Technology as needed to fulfill his or her duties under this paragraph.
- (B) After the system developed pursuant to this subdivision is certified, the system described in subdivision (a) shall no longer accept reports and filings, unless otherwise directed by the Secretary of State and the Commission. The system described in subdivision (a) shall continue to allow public access to past disclosures unless the Secretary of State migrates that data into the system described in this subdivision.
- (c) On or before December 31, 2017, and on or before every April 15, July 15, October 15, and January 15 thereafter, the Secretary of State shall submit to the chairs of the Joint Legislative Budget Committee and the fiscal committees of the Legislature a quarterly report on the progress of the Cal-Access Project. Specifically, the Secretary of State shall certify whether he or she (1) anticipates making or has made any changes to the project's scope, schedule, or budget and (2) considers any

problems to be a risk to the project's completion according to the approved project schedule and budget. This reporting requirement shall end upon the completion or termination of the Cal-Access Project.

§ 90243. Rejection of Electronic Filing; Procedures. **(84612)**

If the Secretary of State rejects a filing made under this chapter, the Secretary ~~of State shall will~~ immediately notify the filer, by ~~electronic e-~~mail, ~~of giving~~ the reason or reasons for rejection using plain, straightforward language, avoiding technical terms as much as possible, and using a coherent and easily readable style. The notice ~~shall will~~ be written or displayed so that the meaning will be easily understood by ~~those persons anyone~~ directly affected by it.

§ 84603. § 90244. Acceptance of Reports. **(84603)**

~~The Secretary of State,~~ Once all state-mandated development, procurement, and oversight requirements have been met, ~~shall the Secretary of State will~~ make public their availability to accept reports online or electronically. ~~Any A~~ filer may then ~~commence voluntarily start~~ filing online or electronically ~~any required a~~ report or statement that is ~~otherwise~~ required to be filed with the Secretary of State ~~pursuant to Chapter under Chapters 3–4 (commencing starting with Section 84100 § 83100) or Chapter 6 (commencing 10 (starting with Section 86100 § 90000) of this title.~~

§ 84602.5. 90245. Online Index of Identification Numbers. **(84602.5)**

The Secretary of State ~~shall will~~ disclose online ~~pursuant to under~~ this chapter an index of the identification numbers, ~~as assigned pursuant to subdivision (a) of Section 84101, under § 83102(c),~~ of every person, entity, or committee that is obligated to make a disclosure ~~pursuant to Chapter under Chapters 3–4.~~ This index ~~shall will~~ be updated monthly except for the six-week period preceding any statewide regular or special election, during which ~~period the~~ index ~~shall will~~ be updated weekly.

§ 84606. § 90246. Operation of Online System. **(84606)**

The Secretary of State ~~shall will~~ determine and publicly disclose when the online- and electronic- disclosure systems are operating effectively. In making this determination, the Secretary ~~of State shall will~~ consult with the Commission, the Department of Information Technology, and ~~any~~ other appropriate public or private entity. The online- or electronic-disclosure system ~~shall will~~ not become operative until the Department of Information Technology approves the system. ~~Upon On~~ this determination, filers required by this chapter to file online or electronically will no longer be required to file a paper copy or with local filing officers. ~~Furthermore,~~ The date that a filer ~~transmits sends~~ an online or electronic report ~~shall will~~ be the date the filed report is received by the Secretary of State.

§ 84607. § 90247. Prohibition Against Political or Campaign Use. **(84607)**

~~Pursuant to Section Under Government Code § 8314,~~ no employee or official of a state or local government agency ~~shall utilize may,~~ for political or campaign purposes, ~~use~~ public facilities or resources to retrieve or maintain ~~any of the~~ data produced by the requirements of this chapter.

§ 84613. § 90248. Political Disclosure, Accountability, Transparency, and Access

Fund.

(84613)

- (a) **Description and Uses.** The Political Disclosure, Accountability, Transparency, and Access Fund is hereby established in the State Treasury. ~~Moneys~~Money collected pursuant to ~~Section 84101.5~~under § 83106 and ~~one-half of the moneys~~money collected pursuant to ~~Section 86102~~shall under § 90002 will be deposited in the ~~Political Disclosure, Accountability, Transparency, and Access~~ Fund.
- (b) ~~(1)~~ Moneys ~~Money~~ deposited in the ~~Political Disclosure, Accountability, Transparency, and Access~~ Fund ~~are~~is subject to appropriation by the Legislature and ~~shall~~will be ~~expended for the maintenance used to maintain~~, repair, and ~~improvement of~~improve the online- or electronic-disclosure program implemented by the Secretary of State pursuant to ~~under~~ this chapter.
- (a) ~~In addition to paragraph (1),~~ The Secretary of State may also use ~~moneys~~money deposited in the ~~Political Disclosure, Accountability, Transparency, and Access~~ Fund for purposes of ~~implementing to~~implement the act that added this section.
- (b) **Any Expenditures.** An expenditure of ~~moneys~~money from the ~~Political Disclosure, Accountability, Transparency, and Access~~ Fund for the purposes described in ~~paragraph (1) of subdivision (b)~~(a) is subject to the project approval and oversight process established by the California Technology Agency pursuant to ~~Section under Government Code § 11546~~.

§ 84615. § 90249. Campaign Reports and Statements

Electronic Filing for Local Agencies.

(84615)

- (a) **Local Agency May Require Electronic Filing.** A local government agency may require an elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by ~~Chapter Chapters 3–4~~ (~~commencing starting with Section 84100~~), ~~except an elected officer, candidate, committee, or other person who receives contributions totaling less than one thousand dollars (\$1,000), and makes expenditures totaling less than one thousand dollars (\$1,000), in a calendar year, § 83100~~ to file those ~~statements, reports, or other~~ documents online or electronically with a local filing officer. ~~A local government agency that requires online or electronic filing pursuant to this section shall comply with all of unless both the following: contributions received and the expenditures total less than \$1,000.~~
- (b) **The legislative body for the System Requirements.** A local government agency ~~shall that requires~~ online or electronic filing under this section must comply with all the following:
- (1) **Local legislative body must adopt an ordinance.** The legislative body for the local government agency ~~must~~ adopt an ordinance approving the use of online or electronic filing, ~~which shall. The ordinance must~~ include a legislative finding that the online or electronic filing system will operate securely and effectively and ~~would~~will not unduly burden filers. The ordinance ~~adopted by the legislative body for the local government agency~~ may, at the discretion of that legislative body, specify that the electronic- or online-filing requirements apply only to ~~specifically identified~~specified types of filings or are triggered only by ~~identified~~specified monetary thresholds. ~~In any instance in which If the original statement, report, or other document is required to must be filed with the Secretary of State and a copy of that statement, report, or other document is required to be filed with the local government agency, the ordinance may permit, but shall must~~ not require, that the copy be filed online or electronically.
- (2) **System to accept standardized record format.** The online or electronic filing system ~~shall must~~ only accept a filing in the standardized record format that is developed by the Secretary of State pursuant to ~~paragraph (2) of subdivision under § 90242(a) of Section 84602~~(2), and that is compatible with the Secretary ~~of State's~~ system for receiving an online or electronic filing.
- (3) **The System ensures data integrity.** The online or electronic filing system ~~shall must~~ ensure the integrity of the data ~~transmitted sent~~ and ~~shall must~~ include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.

(4) ~~(1)~~ Confirmation of receipt of filing.

- (A) The local filing officer ~~shall~~will issue ~~to a person who files a statement, report, or other document online or electronically~~ an electronic confirmation ~~that notifies~~notifying the filer that the statement, report, or other document was received. The confirmation ~~shall~~will include the date and ~~the time that the statement, report, or other document was received~~of receipt by the filing officer and ~~the method by which~~instructions on how the filer ~~may~~can view and print the data ~~received by the filing officer~~.
- (B) A copy retained by the filer of a statement, report, or other document that was filed online or electronically and the confirmation issued ~~pursuant to paragraph under~~ (1) that shows the ~~filer filing as~~ timely ~~filed the statement, report, or other document shall~~will create a rebuttable presumption that the filer timely filed the statement, report, or other document.
- (5) **Filing date.** The date of filing for a statement, report, or other document that is filed online or electronically ~~shall be~~is the day that it is received by the local filing officer.
- (6) **Filings available on the Internet.** The local filing officer ~~shall~~will make all the data filed available on the Internet in an easily understood format that provides the greatest public access: ~~The data shall be made available,~~ free of charge and as soon as possible after receipt. The data ~~made available on the Internet shall~~will not contain the street name and building number of the persons or entity representatives listed on the electronically filed forms, or any bank account number ~~the filer is required to be disclosed by the filer.~~ The local filing officer ~~shall~~will make a complete, unredacted copy of any statement, report, or other document filed ~~pursuant to under~~ this section, including ~~any~~ street names, building numbers, and bank account numbers disclosed by the filer, available to any person ~~upon~~on request.
- (7) **The Digital signature under penalty of perjury.** ~~The~~ online or electronic filing system ~~shall~~will include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury ~~pursuant to Section 84004 under § 84400.~~
- (c) **No Charge to Submit Filings.** The local government agency ~~shall~~will enable filers to complete and submit filings free of charge.
- (d) **Record Retention.** The local filing officer ~~shall~~will maintain, for ~~a period of~~ at least ~~10~~ten years ~~commencing~~ from the date filed, a secured, official version of each online or electronic statement, report, or other document filed ~~pursuant to under~~ this section, which ~~shall~~will serve as the official version of that record for ~~purpose of~~ audits and any other legal purpose. Data that has been maintained for at least ~~10~~ten years may ~~then~~ be archived in a secure format.
- (e) **Notwithstanding No Paper Format.** ~~Despite~~ any ~~other provision of~~ law, ~~any~~ statement, report, or other document filed online or electronically ~~pursuant to under~~ this section ~~shall~~need not be ~~required to be filed in paper form~~ with the local filing officer ~~in paper format~~.

§ 90000. Chapter 13. Auditing and Enforcement (§ 90300 –§ 91127)

Article 1. Auditing.

§ 90300. Audit and Investigation Responsibility. (90000, 90006)

- (a) ~~Except as~~ **Franchise Tax Board. Unless** provided in ~~Section 90006,(b),~~ the Franchise Tax Board ~~shall~~will ~~make~~conduct audits and field investigations ~~with respect to for~~ the following:
- (1) ~~Reports and~~ **Campaign statements and reports** filed with the Secretary of State under Chapter 3 (starting with § 83100), Chapter 4 (~~commencing~~starting with ~~Section §~~ 84100), Chapter 5 (~~commencing~~starting with ~~Section §~~ 85100), and §§ 86100–86103, Chapter 6 (~~commencing~~starting with ~~Section 86100~~ § 87100), and Chapter 10 (starting with § 90000).

(2) Local candidates and their controlled committees selected for audit ~~pursuant to subdivision under § 90302(i) of Section 90001.~~

- (b) ~~§ 90006. Audit and Investigation by Commission. The Commission will conduct~~ audits and field investigations of candidates for Controller and ~~membermembers~~ of the Board of Equalization, and of committees supporting ~~suchthese~~ candidates ~~shall be made by the Commission instead of the Franchise Tax Board.~~

§ 90007. § 90301. Auditing Guidelines and Standards. **(90007)**

- (a) **Purposes.** The Commission ~~shallwill~~ adopt ~~auditing~~ guidelines and standards ~~which shallto~~ govern audits and field investigations conducted under ~~Section 90001. The guidelines and standards shall be § 91303,~~ formulated to ~~accomplishensure that~~ the ~~following purposes~~ audits should:
- (1) ~~The audits should~~ encourage compliance and detect violations of this title;
 - (2) ~~The audits should~~ be conducted ~~with maximum efficiency in a most efficiently and~~ cost-effective manner effectively; and
 - (3) ~~The audits should~~ be as unobtrusive as possible, consistent with ~~the foregoingthese~~ purposes.
- (b) **National Guidelines and Standards.** In adopting its guidelines and standards, the Commission ~~shallwill~~ consider ~~such~~ relevant guidelines and standards of the American Institute of Certified Public Accountants ~~to the extent such guidelines and standards as apply and~~ are applicable and consistent with ~~thethese~~ purposes ~~set forth in this section.~~

§ 90001. § 90302. Mandatory Audits and Investigations. **(90001)**

Audits and investigations ~~shall be made pursuant to Section 90000 with respect to the reports and will be conducted under § 90300 for the campaign~~ statements ~~and reports~~ of:

- (a) **Lobbying Firms and Lobbyist Employers.** Each lobbying firm and each lobbyist employer who employs one or more lobbyists ~~shallwill~~ be subject to ~~an~~ audit on a random basis ~~with these lobbying firms or lobbyist employers, each~~ having a 25-percent% chance of being ~~audited, selected for audit.~~ When a lobbying firm or lobbyist employer is audited, the individual lobbyists who are employed by the lobbying firm or the lobbyist employer ~~shallwill~~ also be audited.
- (b) **Statewide, Supreme Court, Court of Appeal and Board of Equalization Candidates.** Each statewide, Supreme Court, court of appeal, or Board of Equalization candidate in a direct primary or general election ~~for whom it is determined that twenty five thousand dollars (\$with at least \$25,000) or more~~ in contributions ~~have been raised or twenty five thousand dollars (\$25,000) or more in received or~~ expenditures ~~have been~~ made, whether by the candidate or by a committee or committees controlled by the candidate or whose participation in the direct primary or general election is primarily in support of ~~his or herthe~~ candidacy. Each ~~statewide~~ candidate whose contributions and expenditures are less than ~~twenty five thousand dollars (\$25,000) shall be are~~ subject to an audit on a random basis ~~with each of 10 percent of the number of suchthese~~ candidates ~~having a 10% chance of being selected for audit.~~
- (c) **Legislative and Superior Court Judicial Candidates.** Each candidate for the Legislature or superior court judge in a direct primary or general election ~~shall be subject to audit by random selection if it is determined that fifteen thousand dollars (\$with at least \$15,000) or more~~ in contributions ~~have been received or fifteen thousand dollars (\$15,000) or more in~~ expenditures ~~have been~~ made, whether by the candidate or by a committee or committees controlled by the candidate or primarily supporting ~~his or herthe~~ candidacy. Random selection ~~shallfor auditing will~~ be made of 25-percent% of the Senate

districts, 25 ~~percent~~% of the Assembly districts, and 25 ~~percent~~% of the judicial offices contested in an election year.

- (d) **Legislative Candidates in Special Elections.** Each candidate for the Legislature in a special primary or special runoff election ~~for whom it is determined that fifteen thousand dollars (\$15,000) or more with at least \$15,000 in contributions have been raised or fifteen thousand dollars (\$15,000) or more in made or~~ expenditures ~~have been~~ made, whether by the candidate or by a committee or committees controlled by the candidate or primarily supporting ~~his or her~~ the candidacy.
- (e) **Candidate Controlled Committees.** Each controlled committee of any candidate who is being audited ~~pursuant to subdivision~~ under (b), (c), or (d).
- (f) **Committees Primarily Formed for or Against a Candidate.** Each committee, other than a ~~major-donor~~ committee specified in ~~subdivision § 82012(c) of Section 82013,~~ primarily supporting or opposing a candidate who is being audited ~~pursuant to subdivision~~ under (b), (c), or (d) if ~~it is determined that~~ the committee has expended more than ~~ten thousand dollars (\$10,000).~~
- (g) **Committees Primarily Formed for or Against a State Measure.** Each committee, other than a ~~major-donor~~ committee specified in ~~subdivision § 82012(c) of Section 82013,~~ whose participation is primarily in support of or in opposition to a state measure or state measures if ~~it is determined that~~ the committee has expended more than ~~ten thousand dollars (\$10,000)~~ on ~~such~~ the measure or measures.
- (h) **Other Committees.** Each committee, other than a ~~major-donor~~ committee defined in ~~subdivision § 82012(c) of Section 82013,~~ a controlled committee or a committee primarily supporting or opposing a state candidate or measure, if ~~it is determined that~~ the committee has ~~raised~~ received or expended more than ~~ten thousand dollars (\$10,000)~~ supporting or opposing state candidates or state measures during any calendar year, except that if the Commission determines from an audit report that a committee is in substantial compliance with the ~~provisions of the act,~~ the committee ~~thereafter shall will~~ be subject to an audit on a random basis with each such committee having a 25 ~~percent~~% chance of being ~~audited~~ selected for audit.
- (i) ~~(1) With respect to~~ **Local Candidates and PERS Candidates.** ~~The Commission will promulgate regulations that provide a selection method for the following:~~
 - (1) Local candidates and their controlled committees, ~~the Commission shall promulgate regulations which provide a method of selection for these audits.~~
 - (2) ~~With respect to~~ Candidates for the ~~Board of Administration of the~~ Public Employees' Retirement System, ~~the Commission shall promulgate regulations that provide a method for selection of these audits.~~ ~~System's Board of Administration.~~ The Public Employees' Retirement System ~~shall must~~ reimburse the Commission for all reasonable expenses incurred ~~pursuant to~~ under this section.
- (j) **Procedures for Selection for Audit.** In accordance with ~~subdivisions~~ (a), (b), (c), and (h), the ~~Fair Political Practices~~ Commission ~~shall will~~ randomly select by lot the persons or districts to be audited on a random basis.
 - (1) ~~For lobbying firm and lobbyist employer audits, the selection must be made in public in February of odd-numbered years.~~
 - ~~(3)~~(2) For campaign audits, the selection ~~shall must~~ be made in public after the last date for filing the first ~~report or campaign~~ statement ~~or report~~ following the general or special election for which the candidate ran, or following the election at which the measure was adopted or defeated. ~~For lobbying firm and lobbyist employer audits, the selection shall be made in public in February of odd-numbered years.~~

§ 90002. § 90303. Audits and Investigations; Time, Timing and Scope. (90002, 18996)

- (a) **Scope.** The scope of audits and investigations under § 90302 is as follows.
- ~~(a)~~ **Lobbying firms and lobbyist employers.** Audits and investigations of lobbying firms and lobbyist employers ~~shall of lobbyists will~~ be performed on a biennial basis and ~~shall cover~~ conducted biennially covering reports filed during ~~at the previous two-year period of two years.~~

- (1) § 90001. If a lobbying firm or lobbyist employer keeps a separate account for all receipts and payments for which reporting is required by this chapter title, the requirement of an audit under subdivision § 90302(a) of Section 90001 shall will be satisfied by an audit of that account and the supporting documentation required to be maintained by Section 86110 § 90020.

(2) § 90008. Candidates, candidate-controlled committees, and committees primarily formed for or against candidates. For campaign statements or reports of a candidate, controlled committee, or committee primarily supporting or opposing a candidate, the audit or investigation will cover all campaign statements and reports filed for the primary and general election, or a special or runoff election, as well as any previous campaign statements or reports filed since the last election for that office. The audit or investigation will not include statements or reports previously audited under § 90302 or § 90305.

(3) Committees primarily formed for or against a measure. For campaign statements or reports of a committee primarily supporting or opposing a measure, the audit or investigation will cover all campaign statements and reports filed by the committee in connection with the measure.

(4) Other committees. For all other committees, the audit or investigation will cover all campaign statements and reports filed during the previous two calendar years.

(b) Extensions of Time. The audit or investigation periods may be extended to include any transaction that relates to or is connected with the election being audited or investigated or the two-year period.

(c) Limitation on Scope. An audit or investigation conducted under § 90302 will not include campaign statements or reports filed in conjunction with an election for any other office.

(d) Discretionary Audit. Nothing in this regulation will be interpreted to act as a limit on the Franchise Tax Board or the Commission in undertaking a discretionary audit under § 90305.

§ 90304. Preelection Auditing. (90008)

(a) It is the intent of Need for Timely Access. The Legislature intends that the people of California have timely access to information concerning about the campaign contributions and expenditures of all committees, corporations, and individuals, and that this information be provided before the election, when it is relevant, in accordance with the requirements of this title. ~~It is the further intent of the Legislature that the Commission ensure that these disclosures are being made, and that this title be liberally construed and any judicial process be expedited to achieve this purpose. this title's requirements.~~

(b) Liberal Construction. The Legislature further intends that the Commission ensure that these disclosures are being made, that this title be liberally construed, and that any judicial process be expedited to achieve this purpose.

~~(b)(c)~~ (c) Authority to Audit. The Commission, and the Franchise Tax Board at the Commission's direction ~~of the Commission,~~ may audit any record campaign statements and reports and obtain records required to be maintained under this title to ensure compliance with this title ~~prior to before~~ an election, even if the record is a report or statement that has not yet been filed.

§ 90003. § 90305. Discretionary Audits. (90003)

In addition to the audits and investigations required by ~~Section 90001~~ § 90302, the Franchise Tax Board and the Commission may ~~make investigations and audits with respect to any reports investigate and audit campaign statements or statements reports~~ required by this title.

§ 90004. § 90306. Periodic ReportsReporting of Audit Results; Public Documents. (90004)

- (a) **Time Period for Audit Report.** The Franchise Tax Board ~~shall periodically prepare reports, which, except as otherwise provided~~ must complete its report of any audit conducted on a random basis under § 90302 within two years after the Commission selects the person or entity for audit.
- (b) **Public Documents Detailing Findings.** The Franchise Tax Board's reports are public documents and must contain in detail the Board's findings on the accuracy and completeness of each campaign statement or report reviewed, and its findings on any campaign statement or report that should have been filed but was not.
- (a)(c) **Distribution of Reports.** ~~Unless this section, shall be sent~~ provides otherwise, the Franchise Tax Board will send the periodically prepared reports to the Commission, the Secretary of State, and the Attorney General.
- (1) If the reports relate to candidates for or committees supporting or opposing candidates for the office of Attorney General, the reports ~~shall~~ will be sent to the Commission, the Secretary of State, and the District Attorneys of the Counties of Los Angeles, Sacramento, and San Francisco. ~~If the reports relate to local candidates and their controlled committees, the reports shall be sent to the Commission, the local filing officer with whom the candidate or committee is required to file the originals of campaign reports pursuant to Section 84215, and the district attorney for the candidate's county of domicile.~~
- (a) ~~The Franchise Tax Board shall complete its report of any audit conducted on a random basis pursuant to Section 90001 within two years after the person or entity subject to the audit is selected by the Commission to be audited.~~
- (2) ~~The reports of the Franchise Tax Board shall be public documents and shall contain in detail the Franchise Tax Board's findings with respect to the accuracy and completeness~~ If the reports relate to local candidates and their controlled committees, the reports will be sent to the Commission, the local filing officer with whom the candidate or committee is required to file the originals of campaign statements or reports under § 84304, and the district attorney for the candidate's county of domicile.
- (b)(d) **Retention of each report and statement reviewed and its findings with respect to any report or statement that should have been but was not filed.** **Report in Filing Officer Files.** The Secretary of State and the local filing officer ~~shall~~ will place the audit reports in the appropriate campaign statement or lobbying files to be available for public inspection.

§ 90005. § 90307. Confidentiality; Exception. (90005)

~~A member, employee or agent of the~~ The Commission's and Franchise Tax Board shall ~~Board's members, employees, and agents must~~ not divulge, or make known in any manner, the particulars of any record, documents, or information that he or she receives by virtue of ~~received under~~ this chapter, except in ~~furtherance of~~ to facilitate the work of the Franchise Tax Board or the Commission or in connection with a court proceeding or ~~the~~ an agency's lawful investigation ~~of any agency.~~

§ 91006. Article 2. Enforcement and Penalties.

§ 90320. Joint and Several Liability. (91006)

If two or more persons are responsible for ~~any~~ a violation, they ~~shall be~~ are jointly and severally liable.

§ 83115. § 90321. Investigations; Notice. **(83115)**

~~Upon~~On the sworn complaint of any person, or on its own initiative, the Commission ~~shall~~will investigate possible violations of this title relating to ~~any~~an agency, official, election, lobbyist, or legislative or administrative action. Within 14 days after ~~receipt of~~receiving a complaint under this section, the Commission ~~shall~~must notify in writing the person who made the complaint of ~~the~~any action, ~~if any,~~ the Commission has taken or plans to take on the complaint, ~~together with~~ and the reasons for ~~such~~the action or nonaction. If ~~no decision~~the Commission has ~~been made~~not decided on a response within 14 days, it must notify the person who made the complaint ~~shall be notified~~ of the reasons for the delay and ~~shall subsequently receive notification as provided above~~give notice when the decision is made.

§ 83118. § 90322. Subpoena Powers. **(83118)**

The Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of ~~any~~ books, papers, records, or other items material to the performance of the Commission's duties or exercise of its powers.

§ 83119. § 90323. Self-Incrimination. **(83119)**

The Commission may refuse to excuse ~~any~~any person from testifying, or from producing books, records, correspondence, documents, or other evidence in obedience to the Commission's subpoena ~~of the Commission notwithstanding~~despite an objection that the testimony or evidence required ~~of him~~ may tend to incriminate ~~him~~. ~~No individual shall~~that person. After claiming the right against self-incrimination, no one may be prosecuted in any manner or subjected to ~~any~~any penalty or forfeiture ~~whatever for or on account of any~~ transaction, act, matter or thing ~~concerning~~for which ~~he~~the individual is compelled, ~~after having claimed his privilege against self-incrimination,~~ to testify or produce evidence, ~~except that the individual so testifying shall not be exempt from prosecution and punishment for for any~~ perjury committed in ~~so~~ testifying. No immunity ~~shall~~may be granted to ~~any~~any witness under this section unless the Commission has notified the Attorney General of its intention to grant immunity to the witness at least thirty days ~~in advance~~before, or unless the Attorney General waives this requirement.

§ 91001. § 90324. Responsibility for Enforcement. **(91001, 91001.5)**

(a) **Criminal.** The Attorney General is responsible for enforcing the criminal provisions of this title ~~with respect to~~for state agencies, lobbyists, and state elections. The district attorney of ~~any~~any county ~~in which~~where a violation occurs has concurrent powers and responsibilities with the Attorney General.

(b) **Civil.** The civil prosecutor is primarily responsible for ~~enforcement of the~~enforcing this title's civil penalties and remedies ~~of this title.~~ The civil prosecutor ~~is~~may bring a lawsuit under this title that could be brought by a voter or resident of the jurisdiction:

(1) for the state or a state agency except itself, the Commission ~~with respect to the state or any state agency, except itself is the civil prosecutor;~~

(2) for the Commission, the Attorney General is the civil prosecutor ~~with respect to the Commission;~~
; or

(3) for any other agency, the district attorneys are the civil prosecutors ~~with respect to any other agency.~~

~~(b)(c)~~ **Extended Civil Authority.** On written authorization from a district attorney of the jurisdiction, the Commission, as the civil prosecutor, may bring ~~any civil action~~a lawsuit under this title ~~which that~~ could be brought by a voter or resident of the jurisdiction. ~~Upon written authorization from a district~~

attorney, the Commission may bring any civil action under this title which could be brought by a voter or resident of the jurisdiction. Under ~~such~~those circumstances, ~~Section 91007 shall~~§ 90329 does not apply to the Commission.

- (a) ~~Whether or not a violation is inadvertent, negligent or deliberate, and the presence or absence of good faith shall be considered in applying the remedies and sanctions of this title.~~

§ 91001.5. — Authority of City Attorneys of Charter Cities.

- (e)(d) ~~In any case in which~~Where a district attorney could act as the civil or criminal prosecutor under ~~the provisions of~~ this title, the elected city attorney of any charter city may act as the civil or criminal prosecutor ~~with respect to~~for any violations of this title occurring within the city.

§ 91000. Violations; Criminal.

Any § 90325. Considerations for Enforcement. (91001(c))

Whether a violation is inadvertent, negligent, or deliberate, and the presence or absence of good faith will be considered in applying this title's remedies and sanctions.

§ 90326. Criminal Liability and Effect of Conviction. (91000, 91002)

- (a) **Standard. A** person who knowingly or willfully violates ~~any~~a provision of this title is guilty of a misdemeanor.
- (b) **Penalty. On conviction,** in addition to other penalties provided by law, a fine ~~of may be imposed for each violation in an amount~~ up to the greater of ~~ten thousand dollars (\$~~;
- (1) \$10,000; or
- (2) three times the amount ~~the person failed to report~~that was not reported properly or that was unlawfully contributed, expended, gave given, or received ~~may be imposed upon conviction for each violation.~~
- (b)(c) **Statute of Limitations.** Prosecution for violation of this title must be ~~commenced~~started within four years after the violation's date ~~on which the violation occurred.~~

- (e)(d) **§ 91002. Effect of Conviction.** No person convicted of a misdemeanor under this title ~~shall~~may be a candidate for ~~any~~an elective office or act as a lobbyist for ~~a period of~~ four years following the date of ~~the~~ conviction unless the court at the time of the sentencing specifically determines that this provision ~~shall will~~ not ~~be applicable.~~apply. A plea of nolo contendere ~~shall will~~ be ~~deemed~~considered a conviction for ~~purposes of~~ this section. ~~Any~~A person violating this ~~sections~~subdivision is guilty of a felony.

§ 89521. Unlawful Honorarium, Gift or Expenditure.

Any person who makes or receives an honorarium, gift, or expenditure in violation of this chapter is liable in a civil action brought by the Commission for an amount of up to three times the amount of the unlawful honorarium, gift, or expenditure.

§ 91004. Violations of Reporting Requirements; § 90327. Civil Liability. (89521, 91004, 91005, 91005.5, 91008, 91009)

- (a) **Any Reporting Violation. A** person who intentionally or negligently violates any of ~~the~~this title's reporting requirements ~~of this title shall will~~ be liable in a ~~civil action~~lawsuit brought by the civil

prosecutor or by a person residing within the jurisdiction for an amount ~~not more than~~ up to the amount or value not properly reported.

§ 91005. Civil Liability for Campaign, Lobbyist, Conflict of Interest Violation.

- (b) ~~Any~~ **Unlawful Contribution, Gift, or Expenditure.** A person who makes or receives a contribution, ~~gift, or expenditure or gift~~ in violation of ~~Section 84300, 84304, 86203~~ § 85100, § 85101, or 86204 § 90032, is liable in a ~~civil action~~ lawsuit brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to ~~one thousand dollars (\$1,000) or three times the amount of the unlawful contribution, gift, or expenditure, whichever amount is greater or gift.~~
- (c) ~~Any~~ **Conflict of Interest.** A designated ~~employee~~ individual or public official specified in ~~Section 87200~~ § 89200, except an elected state officer, who realizes an economic benefit ~~as a result of from~~ a violation of ~~Section 87100~~ § 89100 or of a disqualification provision of a conflict-of-interest code is liable in a ~~civil action~~ lawsuit brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to three times the value of the benefit.

§ 91005.5. Civil Penalties.

- (d) ~~Any person who violates any provision of this title, except Sections 84305, 84307, and 89001, for which no~~ **Other Violations.** ~~Except where a specific civil penalty is provided, shall in (a)–(c), a person who violates a provision of this title will~~ be liable in a ~~civil action~~ lawsuit brought by the ~~commission or the district attorney pursuant to subdivision (b) of Section 91001~~ civil prosecutor under §§ 90324 and 90329, or the elected city attorney pursuant to Section 91001.5 under §§ 90324(d) and § 90329, for an amount up to five thousand dollars (\$5,000) per violation.
- (e) ~~No civil action alleging a~~ **Amount of Liability.** ~~In determining the amount of liability, the court may take into account the seriousness of the violation of this title may be filed and the degree of the defendant's culpability.~~
- (e)(f) **Distribution of Judgment.** ~~If a judgment is entered against a person pursuant to defendant in an action brought under this section if the criminal, the plaintiff will receive half of the amount recovered. The remaining half will be deposited in the state's general fund. In an action brought by the civil prosecutor is maintaining a criminal action against that person pursuant to Section 91000, the entire amount recovered will be paid to the general fund or treasury of the jurisdiction.~~

~~The provisions of this section shall be applicable only as to violations occurring after the effective date of this section.~~

§ 91008. One Judgment on the Merits; Precedence; Dismissal.

- (f)(g) ~~Not~~ **One Judgment.** ~~No more than one judgment on the merits with respect to any violation may be obtained under Sections 91004 and 91005, for a violation. Actions brought for the same violation or violations shall~~ will have precedence for ~~purposes of~~ trial in order of the time filed. ~~Other~~ such actions ~~shall~~ must be dismissed once judgment has been entered or a settlement approved by the court in a previously filed action. The court may dismiss a pending action without prejudice to any other action for failure of the plaintiff to proceed diligently and in good faith. The action may be so dismissed on motion of the civil prosecutor or ~~any~~ a plaintiff in an action based on the same violation.

§ 91009. Considerations; Liability.

~~In determining the amount of liability under Sections 91004 or 91005, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered~~

against the defendant or defendants in an action brought under Section 91004 or 91005, the plaintiff shall receive fifty percent of the amount recovered. The remaining fifty percent shall be deposited in the General Fund of the state. In an action brought by the civil prosecutor, the entire amount recovered shall be paid to the general fund or treasury of the jurisdiction.

§ 84510. § 90328. Remedies for Article Advertisement Violations; (84510)
Civil or Administrative Action; Fines.

- (a) ~~In addition to the remedies provided for in Chapter 11 (commencing with Section 91000) of this title in this article, any person who violates this article the advertisement requirements under Chapter 7, Article 2 (starting with § 87200) is liable in a civil or administrative action brought by the Commission or any person for a fine up to three times the cost of the advertisement, including placement costs. These remedies also apply to a person who purposely causes another person to violate a provision of this article or who aids and abets another person in a violation.~~
- (a) ~~The remedies provided in subdivision (a) shall also apply to any person who purposely causes any other person to violate any provision~~**Division** ~~of this article or who aids and abets any other person in a violation.~~
- (b) **Monetary Damages.** If a judgment is entered against ~~the~~ defendant ~~or defendants~~ in an action brought under this section, the plaintiff ~~shall~~**will** receive ~~50 percent of half~~ the amount recovered. The remaining ~~50 percent shall half will~~ be deposited in the ~~General Fund of the state.~~**state's general fund.** In an action brought by a local civil prosecutor, ~~50 percent shall half will~~ be deposited in the account of the agency bringing the action and ~~50 percent shall half will~~ be paid to the ~~General Fund of the state~~**state's general fund.**

§ 91007. § 90329. Procedure for Civil Actions. (91007)

- (a) ~~Any person.~~**Written Request.** Before filing a ~~civil action pursuant to Sections 91004 and 91005, lawsuit under §§ 90324 and 90327, a person~~ must first file **a written request** with the civil prosecutor ~~a written request for the civil prosecutor to commence~~**bring** the action. ~~The request shall include with~~ a statement of the grounds for believing a cause of action exists. The civil prosecutor ~~shall~~**must** respond to the person in writing, indicating whether ~~he or she intends to file a civil action~~**a lawsuit will be pursued.**
- (1) If the civil prosecutor responds in the affirmative and files suit within 120 days ~~from receipt of~~ **receiving** the written request to ~~commence~~**bring** the action, no other action may be brought unless the action brought by the civil prosecutor is dismissed without prejudice as provided for in ~~Section 91008.~~**§ 90307(g).**
- (2) If the civil prosecutor responds in the negative within 120 days ~~from receipt of~~ **receiving** the written request to ~~commence~~**bring** the action, the person requesting the action may ~~proceed to~~ file a ~~civil action~~**lawsuit** upon ~~receipt of~~ **receiving** the response ~~from the civil prosecutor.~~ If, ~~pursuant to this subdivision,~~ the civil prosecutor does not respond within 120 days, the civil prosecutor ~~shall be deemed~~ **is considered** to have provided a negative written response to the person requesting the action on the 120th day, and the person ~~shall be deemed~~ **is considered** to have received that response.
- (3) ~~The~~ **If the suit is brought by the person who asked the civil prosecutor to sue, the** time period within which a ~~civil action shall~~**lawsuit may be commenced** brought, as set forth in ~~Section 91011, shall~~**§ 90334, will** be tolled from the date of receipt by the civil prosecutor of the written request to either:
- (A) the date that the ~~civil action~~**lawsuit** is dismissed without prejudice; or

- (B) the date of receipt ~~by the person~~ of the negative response from the civil prosecutor, ~~but only for a civil action brought by the person who requested the civil prosecutor to commence the action.~~
- (b) **Any Serve the Commission.** A person filing a complaint, cross-complaint or other initial pleading in a ~~civil action pursuant to Sections 91003, 91004, 91005, or 91005.5 shall~~ lawsuit under § 90327 must, within 10 days of filing ~~the complaint, cross-complaint, or initial pleading~~, serve on the Commission a copy of the complaint, cross-complaint, or initial pleading or a notice containing ~~all of the following:~~
- (1) the case's full title and number ~~of the case;~~;
 - (2) the court in which the case is pending~~;~~;
 - (3) the name and address of the attorney for the person filing the complaint, cross-complaint, or other initial pleading~~;~~ and
 - (4) a statement that the case raises issues under the Political Reform Act.
- (c) **Failure to Comply.** No complaint, cross-complaint, or other initial pleading ~~shall~~ may be dismissed for failure to comply with ~~subdivision (b).~~

§ 91010. § 90330. Campaign Disclosure Violations; Request to Civil Prosecutor. (91010)

No request to the civil prosecutor ~~pursuant to Section 91007 shall~~ under § 90329 may be made or filed in connection with a report or statement required by Chapter 4 (~~commencing~~ starting with Section ~~§~~ 84100) until the time when an audit and investigation could ~~be begun~~ begin under ~~subdivision (c) Section 90002~~ § 90303.

§ 91008.5. § 90331. Civil Action Precluded by Commission Order. (91008.5, 91005.5)

- (a) **Orders Issued for Same Violation.** No ~~civil action~~ lawsuit may be filed under Section ~~91004, 91005, or 91005.5 with regard to any~~ § 90324, or § 90327 against a person for ~~any violations~~ a violation of this title after the Commission has issued an order ~~pursuant to Section 83116~~ under §§ 90335–90339 against that person for the same violation.

§ 91005.5. Civil Penalties.

~~Any person who violates any provision of this title, except Sections 84305, 84307, and 89001, for which no specific civil penalty is provided, shall be liable in a civil action brought by the commission or the district attorney pursuant to subdivision (b) of Section 91001, or the elected city attorney pursuant to Section 91001.5, for an amount up to five thousand dollars (\$5,000) per violation.~~

- (b) **Criminal Action.** No ~~civil action~~ lawsuit alleging a violation of this title may be filed against a person ~~pursuant to~~ under this section if the criminal prosecutor is maintaining a criminal action against that person ~~pursuant to Section 91000~~ under § 90326.

~~The provisions of this section shall be applicable only as to violations occurring after the effective date of this section.~~

§ 91003. § 90332. Injunction. (91003)

- (a) **Any Who May Seek.** A person residing in the jurisdiction may sue ~~for injunctive relief~~ to enjoin violations or to compel compliance with ~~the provisions of~~ this title. The court may ~~in its discretion~~ require ~~any~~ a plaintiff other than the Commission to file a complaint with the Commission ~~prior~~

~~to before~~ seeking injunctive relief. The court may award ~~to a~~ prevailing plaintiff or defendant ~~who prevails his~~ the costs of litigation, including reasonable attorney's fees.

- (b) **Upon Official Action Related to Violation.** On a preliminary showing in an action brought by a person residing in the jurisdiction that ~~a violation of Chapter 9, Article 1 (commencing with Section 87100); § 89100; Chapter 9, Article 4 (commencing with Section 87400), or Article 4.5 (commencing with Section 87450) of Chapter 7 of this title or of a~~ 6 (starting with § 89600); § 89501; or a conflict-of-interest code's disqualification provision ~~of a Conflict of Interest Code has occurred been violated~~, the court may restrain the execution of any official action ~~in relation related to which such a the~~ violation ~~occurred~~, pending final adjudication. If it is ultimately determined that a violation has occurred and that the official action might not otherwise have been taken or approved, the court may set aside the official action ~~aside~~ as void. The official actions covered by this ~~subsection subdivision~~ include, ~~but are not limited to~~ orders, permits, resolutions and contracts, but do not include the enactment of any state legislation. In considering the granting of preliminary or permanent relief under this ~~subsection subdivision~~, the court ~~shall will~~ accord due weight to any injury that ~~may be suffered by~~ innocent persons relying on the official action may suffer.

§ 91009. Considerations; Liability.

~~In determining the amount of liability under Sections 91004 or 91005, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action brought under Section 91004 or 91005, the plaintiff shall receive fifty percent of the amount recovered. The remaining fifty percent shall be deposited in the General Fund of the state. In an action brought by the civil prosecutor, the entire amount recovered shall be paid to the general fund or treasury of the jurisdiction.~~

§ 91011. § 90333. Injunction to Compel Disclosure. (90009)

- (a) **Grounds.** To further this title's purpose, the Commission may seek injunctive relief in a superior court to compel disclosure consistent with this title.
- (b) **Expedited Review.** A court will grant expedited review to an action filed under (a):
- (1) the court will conduct an expedited hearing with an opportunity for the defendant to respond; and
 - (2) the parties' briefs will be required under an expedited schedule.
- (c) **Court-Ordered Stay.** A superior or appellate court may, at its discretion, grant a stay of an order granting relief under (a).

§ 90334. Statute of Limitations; Civil Actions. (91011)

- (a) No ~~civil action lawsuit~~ alleging a violation in connection with a report or statement required by Chapter 4 (~~commencing starting with Section § 84100~~) ~~shall may~~ be filed more than four years after an audit could begin as set forth in ~~subdivision (c) of Section 90002 § 90302~~, or more than one year after the Franchise Tax Board forwards its report to the commission, ~~pursuant to Section 90004 under § 90306~~, of any audit conducted of the alleged violator, whichever period is less.
- (b) No ~~civil action lawsuit~~ alleging a violation of ~~any provisions of~~ this title, other than those described in ~~subdivision (a)~~, ~~shall may~~ be filed more than four years after the date the violation occurred.

§ 83116.5. § 90335. Liability for Violations; Administrative. (83116.5)

- (a) **Who Is Liable.** Any person ~~who violates any provision of this title, who purposely or negligently causes any other person to violate any provision of this title, or who aids and abets any other person~~

~~in the violation of any provision of this title, shall be is~~ liable under ~~the provisions of~~ this chapter. However, this section shall apply only to persons who have if that person has filing or reporting obligations under this title, or ~~who are compensated~~ receives compensation for services ~~involving~~ that involve planning, organizing, or directing any activity regulated or required by this title, and that person:

- (1) violates this title;
- (2) purposely or negligently causes another person to violate this title; or
- (3) aids and abets another person in violating this title.

(b) **No Additional Violation.** A violation of this section ~~shall~~ does not constitute an additional violation under ~~Chapter 11 (commencing with Section this article.~~

§ 90336. Administrative Proceedings. (91000)-.5)

§ 91005.5. Civil Penalties.

~~Any person who violates any provision of this title, except Sections 84305, 84307, and 89001, for which no specific civil penalty is provided, shall be liable in a civil action brought by the commission or the district attorney pursuant to subdivision (b) of Section 91001, or the elected city attorney pursuant to Section 91001.5, for an amount up to five thousand dollars (\$5,000) per violation.~~

~~No civil action~~ **Time Limit.** No administrative action brought under this article alleging a violation of this title may be filed against a person pursuant to this section if the criminal prosecutor is maintaining a criminal action against that person pursuant to Section 91000.

- (a) ~~The provisions of this section shall be applicable only as to violations occurring~~ brought more than five years after the ~~effective~~ violation's date of this section.

- (b) ~~§ 83115.5- Commencement.~~ Service of the probable cause hearing notice, as required by § 90337, on the person alleged to have violated this title constitutes the administrative action's commencement.

- (c) **Tolling for Fraudulent Concealment.** If the person alleged to have violated this title engages in fraudulent concealment of the person's acts or identity, the five-year period will be tolled for the period of concealment. Under this subdivision, "fraudulent concealment" means the person knows of material facts related to the person's duties under this title and knowingly conceals these facts in performing or failing to perform those duties, for the purpose of defrauding the public of information to which it is entitled under this title.

- (d) **Tolling for Failure to Produce Documents.** If, upon being ordered by a superior court to produce a document sought by a subpoena in an administrative proceeding under this article, the person alleged to have violated this title fails to produce documents under the order by the date ordered, the five-year period will be tolled for the period of delay from the date of filing of the motion to compel until the date the documents are produced.

§ 90337. Findings of Probable Cause; Requirements. (83115.5)

~~No finding of~~ The Commission will not find probable cause to believe that this title has been violated ~~shall be made by the Commission~~ unless, at least 21 days ~~prior to~~ before the Commission's consideration of the alleged violation, the person alleged to have violated this title is notified of the violation by service of process or registered mail with return receipt requested, provided with a summary of the evidence, and informed of ~~his~~ the right to be present in person and represented by counsel at ~~any proceeding of the~~ a Commission ~~held for the purpose of considering~~ proceeding to consider whether probable cause exists for believing the person violated this title. Notice to the alleged violator ~~shall~~ will be ~~deemed~~ considered made on the date of service, the date the registered mail receipt is signed, or if the registered mail receipt is not

signed, the date returned by the post office. A proceeding held ~~for the purpose of considering to consider~~ probable cause ~~shall will~~ be private unless the alleged violator files with the Commission a written request that the proceeding be public.

§ 83116. § 90338. Violation of Title; Administrative. (83116)

- (a) **Probable-Cause Hearing.** When the Commission determines there is probable cause for believing ~~that~~ this title has been violated, it may hold a hearing to determine if a violation has occurred. Notice ~~shall must~~ be given and the hearing conducted ~~in accordance with under~~ the Administrative Procedure Act ~~(Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, starting with Government Code) § 11500.~~ The Commission ~~shall have has~~ all the powers granted by that chapter. ~~When If~~ the Commission determines on the basis of the hearing that a violation has occurred, it ~~shall will~~ issue an order that may require the violator to do ~~all one~~ or ~~any more~~ of the following:
- (1) cease and desist violation of this title; ~~;~~
 - (2) file any reports, statements, or other documents or information required by this title; ~~or~~
 - (3) pay a monetary penalty of up to ~~five thousand dollars (\$5,000)~~ per violation to the ~~General Fund~~ state's general fund.
- (b) **Announcement of the state. No Violation.** When the Commission determines that no violation has occurred, it ~~shall will~~ publish a declaration so stating.

§ 83116.3. § 90339. Administrative Law Judge; Rejection. (86116.3)

~~Whenever If~~ the Commission rejects ~~the decision of~~ an administrative law ~~judge~~ judge's decision made pursuant to ~~Section under~~ § 11517, the Commission ~~shall must~~ state the reasons in writing for rejecting the decision.

§ 83120. § 90340. Judicial Review. (83120)

An interested person may seek judicial review of any Commission action ~~of the Commission.~~

§ 83121. § 90341. Judicial Advancement of Action. (83121)

If judicial review is sought of ~~any a~~ Commission action ~~of the Commission~~ relating to a pending election, the matter ~~shall must~~ be advanced on the court's docket ~~of the court~~ and put ahead of other actions. The court may, consistent with due process of law, shorten deadlines and take other steps necessary to permit a timely decision.

§ 91013. § 90342. Late Filing of Statement or Report; Fees. (91013)

- (a) **If any Original Statement or Report. If a** person files an original statement or report after any deadline imposed by this act, ~~he or she shall~~ the person will, in addition to ~~any~~ other penalties or remedies established by this act, be liable in the amount of ~~ten dollars (\$10)~~ per day after the

deadline until the statement or report is filed; to the ~~officer with whom the statement or report is required to be filed.~~ Liability officer.

(1) The filing officer need not ~~be enforced by enforce liability if~~ the filing officer ~~if determines~~ on an impartial basis ~~he or she determines~~ that the late filing was not willful and that ~~enforcement of enforcing~~ the liability will not further the Act's purposes of the act, except that.

(2) No liability ~~shall may~~ be waived if, after the filing officer has sent specific written notice of the filing requirement, a statement or report is not filed within the following timeframes:

(A) 30 days for a statement of economic interest, other than a candidate's statement filed pursuant to Section 87201, five under § 89201;

(B) 5 days for a campaign statement required to be filed 12 days before an election, and; or

(A)(C) 10 days for all other statements or reports, after the filing officer has sent specific written notice of the filing requirement.

(b) Copy of Statement or Report. If any person files a copy of a statement or report after any deadline imposed by this act, ~~he or she shall~~ that person will, in addition to ~~any~~ other penalties or remedies established by this chapter, be liable in the amount of ~~ten dollars (\$10)~~ per day, starting 10 days, or five days in the case of a campaign statement required to be filed 12 days before an election, after the officer has sent specific written notice of the filing requirement and until the statement is filed.

(c) Collected Funds. The officer ~~shall will~~ deposit any funds received under this section into the general fund of the ~~officer's jurisdiction of which he or she is an officer.~~

~~(e)~~ (d) Maximum Liability. No liability under this section ~~shall may~~ exceed the cumulative amount stated in the late statement or report, or ~~one hundred dollars (\$100),~~ whichever is greater.

§ 91013.5. § 90343. Filing Officer; Collection of Penalties, and Fees. (91013.5)

(a) Filing a Lawsuit. In addition to ~~any~~ other available remedies, ~~the commission or the~~ filing officer may bring a civil action lawsuit and obtain a judgment in superior court ~~for the purpose of collecting any to collect~~ unpaid monetary penalties, fees, or civil penalties imposed ~~pursuant to under~~ this title. The action may be filed as a small-claims, limited civil, or unlimited civil case, depending on the jurisdictional amount. The venue for this action ~~shall will~~ be in the county where the monetary penalties, fees, or civil penalties were imposed by the ~~commission or the~~ filing officer. ~~In order~~ To obtain a judgment in a proceeding under this section, the ~~commission or~~ filing officer ~~shall must~~ show, following the procedures and rules of evidence ~~as applied in an ordinary civil actions, all of the following lawsuit, that:~~

(1) ~~That~~ the monetary penalties, fees, or civil penalties were imposed following the procedures ~~set forth~~ in this title and implementing regulations;

(2) ~~That~~ the defendant or defendants in the action were notified, by actual or constructive notice, of the imposition of the monetary penalties, fees, or civil penalties; ~~and~~

(3) ~~That~~ a demand for payment has been made by the ~~commission or the~~ filing officer and full payment has not been received.

(b) Filing Window. A civil action lawsuit brought ~~pursuant to subdivision under~~ (a) ~~shall must~~ be commenced filed within four years after the date on which the monetary penalty, fee, or civil penalty was imposed.

§ 91013.7. Judgment for § 90344. Commission; Collection of Penalties. (91013.7)

(a) When to Seek Judgment to Collect. If the time for judicial review of a final Commission order or decision has lapsed, or if all means of judicial review of the order or decision have been exhausted,

the Commission may apply to the clerk of the court for a judgment to collect the penalties imposed by the order or decision, or the order as modified in accordance with a decision on judicial review.

- (b) **Application Requirements.** The application, which ~~shall~~must include a certified copy of the order or decision, or the order as modified in accordance with a decision on judicial review, and proof of service of the order or decision, constitutes a sufficient showing to warrant ~~issuance of~~issuing the judgment to collect the penalties. The clerk of the court ~~shall~~must enter the judgment immediately in conformity with the application.
- (c) **Where to Apply.** An application made ~~pursuant to~~under this section ~~shall~~must be made to the clerk of the superior court in the county where the monetary penalties, fees, or civil penalties were imposed by the Commission.
- (d) **Force and Effect of Judgment.** A judgment entered ~~in accordance with~~under this section has the same force and effect as, and is subject to all the provisions of law relating to, a judgment in a ~~civil action~~lawsuit and may be enforced in the same manner as any other judgment of the court in which it is entered.
- (e) **Time Limit.** The Commission may bring an application ~~pursuant to~~under this section only within four years after the date on which the monetary penalty, fee, or civil penalty was imposed.
- (f) **Other Remedies Available.** The remedy available under this section is in addition to those available under ~~Section 91013.5~~§ 90343 or any other law.

§ 91012. § 90345. Costs; Attorney Fees; Bond. (91012)

The court may award ~~the costs of litigation, including reasonable attorney's fees~~ to a plaintiff or defendant, other than an agency, who prevails in any action authorized by this title ~~his costs of litigation, including reasonable attorney's fees.~~ On motion of any party, a court ~~shall~~will require a private plaintiff to post a bond in a reasonable amount at any stage of the litigation to guarantee payment of costs.

§ 91003.5. Conflicts § 90346. Conflict-of-Interest Violation. (91003.5)

~~Any~~A person who violates a provision of Chapter 9, Article 2 (commencing starting with Section 87200), § 89200), Article 3 (commencing starting with Section 87300), or § 89300), Article 4.5 (commencing (starting with Section 87450) of Chapter 7 § 89401), or § 89501 is subject to discipline by ~~his or her~~that person's agency, including dismissal, consistent with any applicable civil service or other personnel laws, regulations, and procedures.

§ 91014. § 90347. Applicability of Other State Law. (91014)

Nothing in this chapter ~~shall exempt~~exempts any person from any other applicable ~~provisions of any other laws of this state.~~

laws.